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26th April, 1955 (Tuesday)

LOK SABHA DEBATES

[Part I—Questions and Answers]

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LOK SABHA

Tuesday, 26th April, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

ऐतिहासिक स्मारक

*२५६५. **श्री भक्त दर्शन** : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या प्राचीन एवं ऐतिहासिक स्मारक तथा पुरातत्व सम्बन्धी स्थान व अवशेष (लोक महत्व की घोषणा) अधिनियम की अनुसूचियों में मिलाने के लिये उपयुक्त स्थानों और भवनों आदि के बारे में राज्य सरकारों और अन्य संस्थाओं से कोई सुझाव निमंत्रित किये गये हैं ; और

(ख) यदि हां, तो इस बारे में अब तक क्या प्रगति हुई है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) जी नहीं ।

(ख) प्रश्न नहीं उठता ।

श्री भक्त दर्शन : क्या माननीय मंत्री महोदय को याद है कि जब संसद् में इस विषय से सम्बन्धित कानून पर विचार किया जा रहा था, तो श्री मालवीय जी ने यह आश्वासन दिया था कि छोटे मोटे संशोधनों पर विचार न कर के इस तरह के सब सुझावों को एक बार एकत्र किया जायगा और उन पर विचार किया जायगा ? मैं जानना चाहता हूं कि क्या इस सम्बन्ध में कोई कार्यवाही की गई है ?

Dr. M. M. Das: The amendments that were moved by the hon. Members—or given notice of by the hon. Members—are with us and our officers in the Archaeological Department are visiting those monuments and places and are collecting information regarding them.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि अब तक कितनी राज्य सरकारों ने अपने यहां पुरातत्व विभाग स्थापित किए हैं और जिन राज्यों में स्थापित किए गए हैं, क्या उन्हें ऐसी हिदायतें दी गई हैं कि वे जल्दी पुरातत्व विभाग स्थापित करें ?

Mr. Speaker: I think this question was put a few days back.

डा० राम सुभग सिंह : जब इस बिल पर संसद् में विचार हो रहा था, तो एक सुझाव यह पेश किया गया था कि कुंवरसिंह, जिसने १८५७ की जनक्रान्ति में भाग लिया था, के किले और अहाते को बिल के शिड्यूल में शामिल कर लिया जाय । सरकार की ओर से कहा गया था कि चूंकि वह किला कुंवरसिंह के वंशजों के अधिकार में नहीं है, इस लिए इस पर बाद में विचार किया जायगा । क्या मैं पूछ सकता हूं कि क्या उसके बारे में भी आफिसर्ज को हिदायत दी गई थी कि वह वहां जा कर जानकारी प्राप्त करें ? इस बारे में क्या किया गया है ?

Dr. M. M. Das: If the hon. Member wants to know about a particular case, then, I think, I should ask for notice.

Shri S. N. Das: May I know whether the hon. Parliamentary Secretary would give us an idea as to the places which have been visited by the Central Government officers in this connection?

Dr. M. M. Das: We have also asked the State Governments to direct their revenue officers, police officers and education officers to send us information about the particular places, if and when they come to their notice. So, we are taking the lists sent by the officers of the State Governments as well as the amendment lists given by the hon. Members and our officers are visiting those places one by one. When this is completed, we propose to bring before the House an amending Bill for inclusion of those monuments and archaeological sites which will be found to be national importance.

PARLIAMENTARY HINDI ASSOCIATION

*2566. **Shri Keshavaiengar:** Will the Minister of **Education** be pleased to state whether Government propose to enhance the annual grant to the Parliamentary Hindi Association, Delhi and if so, to what extent?

The Parliamentary Secretary to the Minister of Education (Dr. M. M Das): No, Sir.

Shri Keshavaiengar: May I know if this symbolises the good effort the Government is making to help the Members of Parliament?

Dr. M. M. Das: Sir, I think the mind of the hon. Member is working under some misapprehension, and so I would like to give the reply in detail. We have given to this Association in the first year Rs. 15,000, and in the second year, Rs. 6,000. But, during the last financial year the Government of India wanted some particular information about the working of this Association. That information has not been submitted. That is the reason why no grant could be given.

Shri Keshavaiengar: May we know when the information was called for?

شکشا تتھا پراکرتک سلسادھن اور ویگیانک کویشلا سلتری (مولانا آزاد) :

بار بار طلب کی جا چکی ہے - لیکن ابھی ضروری کاغذات نہیں ملے ہیں -

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** Repeated demands have been made, but the relevant information has not yet been received.]

GANDHIAN OUTLOOK AND TECHNIQUE

*2567. **Shri Krishnacharya Joshi:** Will the Minister of **Education** be pleased to state:

(a) whether the Executive Board and the Director-General, U.N.E.S.C.O. have implemented the measures proposed in the resolution adopted by the U.N.E.S.C.O. at its General Conference at Parts on the contribution of 'Gandhian outlook and technique' to the solution of tensions among nations; and

(b) if so, the result of the implementation?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). U.N.E.S.C.O. has included in its programme for 1955-56 the study of procedures, including those relating to the teaching of Gandhiji, of conciliation and mediation for settlement of international disputes and the prevention of the use of force.

Shri Krishnacharya Joshi: May I know how the question of Gandhian outlook and Gandhian technique came before the U.N.E.S.C.? Did our Government move any resolution in the Paris Conference?

Dr. M. M. Das: The Government of India called a Seminar to discuss the contribution of Gandhian outlook and Gandhian technique in Delhi in the year 1953. A detailed report was prepared of the proceedings of this Seminar and this report was placed before the General Conference of the U.N.E.S.C.O. in Paris. The Paris Conference of the U.N.E.S.C.O. considered this report and passed a resolution.

Shri Krishnacharya Joshi: May I know whether India will be associated with the study?

Dr. M. M. Das: If the hon. Member means the second resolution of the U.N.E.S.C.O. which they have passed at the Montevideo meeting only a few months back, then I should say that very little time has elapsed after that resolution was adopted and the details are not at our disposal.

Shri T. S. A. Chettiar: The Central Advisory Board of Education passed a resolution that this must be taught in the schools and colleges. May I know whether any steps are being taken to implement that?

Dr. M. M. Das: That is altogether a different question, Sir.

डकैतियां

*२५६८. **श्री विभूति मिश्र :** क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि क्या चोरियों और डकैतियों के दमन को सुविधाजनक बनाने के लिये सरकार भारतीय पुलिस अधिनियम और भारतीय शस्त्रास्त्र अधिनियम में संशोधन करने का विचार कर रही है ?

गृह-कार्य उपमंत्री (श्री दातार) : प्रश्न में कहे गये उद्देश्य के लिये ऐसा कोई प्रस्ताव सरकार के विचाराधीन नहीं है ।

श्री विभूति मिश्र : क्या सरकार देखती है कि आज-कल गांवों में चोरियां और डकैतियां बहुत बढ़ रही हैं और इन कानूनों की वजह से चोर और डकैत छूट जाते हैं ? क्या सरकार जानती है कि चोरियों और डकैतियों का दमन करने के लिए बन्दूकों में बड़ी शक्ति है और क्या सरकार इनकी शक्ति को महसूस करती है ?

Shri Datar: Sir, there is considerable exaggeration so far as the contentions put forward by the hon. Member are concerned and it has no bearing on the question of the amendment of the Arms Act which Government are considering on its own merits.

Shrimati Tarkeshwari Sinha: May I know what positive steps the Central Government propose to take to liquidate the big gangs operating in the country?

Shri Datar: Government are taking all necessary steps for checking the progress of offence so far as the Delhi Government is concerned. We are also in touch with the adjoining States to see that no gangs are received here as far as possible.

Floods

*2570. **Shri S. C. Samanta:** Will the Minister of Defence be pleased to state:

(a) the manner in which the Armed Forces worked and helped the flood-stricken people of Assam in 1954-55;

(b) the number of people rescued by them;

(c) whether it is a fact that the Armed Forces especially Army Engineers repaired bridges and roads in flood-torn areas and kept the lines of communication open;

(d) whether these forces rendered medical help also; and

(e) if so, for how long and how much expenditure was incurred thereby?

The Minister of Defence (Dr. Katju): (a) and (c). The Indian Air Force assisted in dropping supplies of food and in airlifting explosives for flood protective measures. The Army Engineers helped in keeping communications open, in dismantling buildings, in salvaging materials and in the construction of hutments for refugees.

(b) No occasion arose for the Army to rescue persons from collapsing houses or from the floods.

(d) No; neither was any help asked for.

(e) The task undertaken by the Indian Air Force involved over 40 hours of flying. The work done by Army Engineers was roughly equivalent to 2,00,000 man-hours.

In accordance with the normal practice, only the extra expenditure involved in the various task will be recovered from the authorities concerned. A correct estimate of this

additional expenditure is not readily available, but this expenditure is not likely to be large.

Shri S. C. Samanta: May I know whether, while dropping food from the I.A.F. planes, any medicine such as Paludrine etc., was also dropped?

Dr. Katju: I am unable to say that.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि डिफेन्स कौंसिल इस तरह की जो सहायता सिविल अधिकारियों को देती हैं, वह किन शर्तों पर दी जाती हैं ? आया वह खर्चा रक्षा मंत्रालय का होता हैं और बाद में सिविल अधिकारियों से ले लिया जाता हैं या ये वस्तुएं निःशुल्क दी जाती हैं ?

डा० काटजू : इसमें कोई बंधे हुए कायदे नहीं हैं । बाज वक्त कोई चार्ज नहीं किया जाता हैं और बाज वक्त एक्स्ट्रा चार्ज होता हैं और उम्मीद की जाती हैं कि स्टेट गवर्नमेंट वह हम को दे देंगी ।

SCHOLARSHIPS TO BACKWARD CLASSES

*2573. **Shri Ibrahim:** Will the Minister of **Education** be pleased to state how many scholarships are to be awarded to students belonging to Backward Classes for Post-Matriculation studies during the current year?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): About 25,000 scholarships are expected to be awarded to the Scheduled Castes, Scheduled Tribes and other Backward Classes candidates for the year 1955-56.

Shri Ibrahim: May I know the number who were in receipt of scholarship last year?

Dr. M. M. Das: Last year, the total number of candidates that received government scholarship coming from these three classes was 20,692.

श्री जांगड़े : क्या मैं जान सकता हूं कि सरकार इस बात पर विचार कर रही हैं कि छात्रों को जो छात्रवृत्तियां दी जाती हैं वे छः छः महीने में न दी जाकर तीन तीन महीने में दी जाया करें ?

Dr. M. M. Das: It is a fact that we given six-monthly instalments. We may consider the proposal of the hon. Member.

Shri Matthen: May I know whether the hon. Parliamentary Secretary can given the break-up of the scholarships given to the Scheduled Castes and Backward Classes? He has put them together.

Dr. M. M. Das: In the year 1954-55, Scheduled Castes total 10,069, Scheduled Tribes 2,360, other Backward Classes 8,263.

Shri V. Muniswamy: May I know whether the Government are aware that many of the poor students who deserve the scholarships are not able to get the scholarships because of the mark system that is being followed by the Government?

Dr. M. M. Das: All eligible students belonging to the Scheduled Castes and Scheduled Tribes have been given scholarships.

Shri Achuthan: Can we expect that the Government will take note of the recommendations of the Backward Classes Commission report in awarding the scholarships during the current year?

Dr. M. M. Das: There is a Scholarship Board that goes into all these questions. I think they will consider the matter.

Shri M. D. Ramasami: May I know the number of applications from the Backward Classes students which were rejected during 1954-55?

Dr. M. M. Das: I have given the number that has received scholarships. I shall give the total number of applications so that by subtraction it may be found out. The number of applications from Backward Classes is 22,294.

TECHNICAL SCHOOLS AND COLLEGES

*2574. **Dr. Ram Subhag Singh:** Will the Minister of **Education** be pleased to state:

(a) the number of technical schools and colleges, the opening of which has been recommended by the All-India Council of Technical Education; and

(b) the number of schools and colleges which have been started so far?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) and (b). A statement giving the required information is laid on the Table of the House [*See* Appendix XII, annexure No. 17.]

Dr. Ram Subhag Singh: Out of the four Higher Technical institutes recommended by the All India Council of Technical Education, only one has so far been established. May I know the reasons for not establishing the other three institutes?

Dr. M. M. Das: The reasons are: (i) The appointment of good staff even for the Eastern Institute has presented problems and it was therefore thought that perhaps there should be a time-lag between the setting up of the first and the rest of the institutes; (ii) the development of the existing Engineering and Technological institutes as a result of the post-war development plans had been considerable and this position raised doubts whether, in the circumstances, the other higher technical institutes should be established. The Planning Commission, taking into consideration the resources available and the need for superior technical man-power, advised that the establishment of only the Eastern Higher Technical Institute be undertaken during the First Five Year Plan.

Dr. Ram Subhag Singh: May I know the nature of the doubts which the hon. Parliamentary Secretary just disclosed in the establishment of these institutes as well as the period of time which will be required for establishing the other three institutes?

Dr. M. M. Das: The establishment of the other three institutes is being considered *de novo* in connection with the preparation of the Second Five Year Plan.

Shri R. S. Diwan: Just now it was said that the institutes were not opened for want of sufficient number of technicians. May I enquire, if private organisations and institutions come forward with their own technical staff, are Government going to be liberal in helping and encouraging these institutions?

شکشا تتھا پراکرتک سنستھادھن اور ویگیانک گویشنا ملنتری (مولانا آزاد) : گورنمنٹ ضرور اس پر غور کریگی - ایکن جو پرائویٹ انسٹیٹیوشنس ملک میں موجود ہیں اور جو کچھ اور جیسا کچھ ان کا اسٹاف ہے وہ پوری طرح گورنمنٹ کے سامنے آ چکا ہے-

[**The Minister of Education and Natural Resources and Scientific Research (Maulana Azad):** The Government will certainly consider this. But the private institutions that are there in the country and whatever staff they have are fully known to the Government.]

INDO-GENERAL INDUSTRIAL CO-OPERATION SCHEME

*2577. **Shri Subodh Hasda:** Will the Minister of **Education** be pleased to state the number of candidates, (State-wise), who applied for Scholarships under the Indo-German Industrial Co-operation Scheme 1954-55, for practical training in West German industries?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): A statement is laid on the Table of the House [*See* Appendix XII, annexure No. 18.]

Shri Subodh Hasda: May I know whether the applications are invited

through industrial firms or through the State Governments?

Dr. M. M. Das: Candidates sponsored by the Government departments, educational institutions and reputed industrial firms, possessing a good degree with two years' practical experience, having a knowledge of the German language, and below the age of 35 are eligible.

Shri Subodh Hasda: How many Scheduled Castes and Tribes candidates applied and how the selection was made?

Dr. M. M. Das: Selection was made on merits. There was no quota for Scheduled Castes or Scheduled Tribes.

Shri Subodh Hasda: May I know whether the selection has been made and how many were selected?

Dr. M. M. Das: During 1954-55, the total number selected was 53 out of which 4 declined. Forty-nine stand.

CONSOLIDATED FUND

*2579. **Shri K. C. Sodhia:** Will the Minister of **Finance** be pleased to state:

(a) whether it is proposed to bring forward a Bill before Parliament under Article 292 of the Constitution regarding the Borrowing Powers of Government;

(b) the period for which this matter has been before Government; and

(c) when the Bill is likely to be introduced?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) to (c). The Government have, at present, no proposal to bring forward a Bill under Article 292 of the Constitution.

Shri K. C. Sodhia: Would the Government think of framing such a law?

Shri M. C. Shah: I can speak about the present.

Shri K. C. Sodhia: What is the longest time that the Government have placed before themselves for implementing the various provisions of the Constitution?

Shri M. C. Shah: Whenever it is necessary we bring in legislation. Whenever we think it is not necessary immediately, we just do not bring any legislation.

Shri K. C. Sodhia: Do the Government think that this kind of legislation places some sort of a limit over their unlimited freedom in the field?

Shri M. C. Shah: It is not necessary because the Budgets are subject to the approval of the Parliament and the legislatures. Whenever Government want to borrow, they have to come to the Parliament and the legislatures. So, there is an authority over the Government so far as borrowing is concerned in the Parliament and legislatures.

P. W. D. WORKS

*2580. **Shri Biren Dutt:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether it is a fact that a large part of the budgeted sums for the Tripura State P.W.D. works lapses every year; and

(b) if so, the reasons therefor?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). A statement is laid on the Table of the House showing the extent to which funds provided for Public Works in Tripura remained unutilised and the main reasons therefor. [*See* Appendix XII, annexure No. 19.]

Shri Biren Dutt: After having shown in the statement shortage of technical staff for public works to the last so many years, may I know what steps Government propose to take to do away with this difficulty?

Shri Datar: Government have been liberalising the terms for taking officers to this State. But, there are certain difficulties. Government have

now taken steps to appoint a Superintending Engineer and an additional division with 5 sub-division Government will see that during this year most of the amounts budgeted will be spent.

Shri Biren Dutt: In reply to part (a) of the question, may I know whether any step has been taken to provide the required material for the construction works there?

Shri Datar: Government are taking steps.

Shri N. M. Lingam: How do the Government reconcile the large number of unemployed graduates in Highway engineering and the large amounts allowed to lapse under road works?

Shri Datar: In certain spheres, people are not prepared to accept appointments and go to such outlying places.

IMPRISONMENT OF TRIBAL CHIEFS

*2582. **Shri Rishang Keishing:** Will the Minister of Home Affairs be pleased to state:

(a) the number of the Tribal Chiefs, Mantris, Chingshanglakpas and village authorities who have been jailed so far in Manipur since the beginning of the present *satyagraha* movement:

(b) whether it is a fact that none of them has been placed above 'C' Class in jail;

(c) the difficulties in placing these important members of the tribes above 'C' Class;

(d) whether any representation was made, by the prisoners to upgrade their class from 'C' to 'B'; and

(e) if so, the action taken by Government thereon?

The Deputy Minister of Home Affairs (Shri Datar): (a) 43.

(b) Yes.

(c) to (e). Although representations were made by the prisoners for upgrading their classification the State Administration did not see sufficient justification for acceding to their request.

Shri Rishang Keishing: Is it not a fact that the Magistrate who convicted them placed them, in the first instance, in 'B' class and later on, after ten days, degraded them to 'C' class? If so, what is the reason?

Shri Datar: What the Magistrates do in this respect is that, provisionally, they give a class at the time of the conviction or sentence and then they get the information necessary for taking final action, and after the material has been produced before them, they either continue the prisoner in the class or revert him to 'C' class or 'A' class, as the case may be.

Shri Rishang Keishing: Are Government aware that about 300 prisoners went on hunger strike for four days and on an assurance given by the District Magistrate that their demand would be conceded, they broke their hunger strike but that later on Government again refused to reconsider their case? If so, will the Minister inquire and take appropriate action so that such things do not recur?

Shri Datar: I promise to make inquiries.

Shrimati Renu Chakravartty: Is it not a fact that the general classification of prisoners is made on the basis of social status? And in view of the answer given to (a) by the hon. Minister, it seems that most of these people are the highest authorities in that village. As such, what is the justification for putting them in 'C' class?

Shri Datar: In Tripura, the rules are under the *Assam Jail Manual*, and there certain principles have been laid down. Even if they belong to the highest category in a particular State village, it does not mean that they are entitled to a higher class. The classification corresponds to the way of life of those prisoners.

Shri Rishang Keishing: In view of the fact that these tribal chiefs occupy

the highest status—socially, politically and economically—among the Tribal people, is it not proper for the Government to classify them as at least 'B' class?

Shri Datar: I have already conceded that they belong to the highest category in a particular village. But that is not a justification for giving them a higher class so far as action under the *Assam Jail Manual* is concerned. In all such cases, Government do take into account any special circumstances, if there are any, for giving a higher class.

Shrimati Renu Chakravartty: What is the social status or economic status.....

Mr. Speaker: I think we are going into an argument as to what is the status.

Shrimati Renu Chakravartty: He has mentioned that in the *Assam Jail Manual*.....

Mr. Speaker: I do not think that this is a matter of such importance that we should carry on supplementaries on this question to the end of the Question Hour. The point, to my mind, is practically covered when the hon. Minister said that he would take into consideration and make inquiries over the representations made by the prisoners and the promise, as the hon. Member said, given by the authorities to look into the case.

Shri V. P. Nayar: That is another matter.

Mr. Speaker: That is how it stands. It is no use pursuing arguments over this.

संस्कृत शिक्षा सम्बन्धी आयोग

*२५८४. **श्री राम शंकर लाल :** क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या साहित्य अकादमी के संस्कृत मंत्रणा (एडवाइजरी) बोर्ड ने देश भर में संस्कृत भाषा की शिक्षा की जांच करने के लिये एक आयोग नियुक्त करने की सिफारिश की है, और

(ख) यदि हां, तो उस पर क्या कार्यवाही की गई है ?

शिक्षा मंत्री के सभासचिव (डा० एम० एम० दास) : (क) हां जी।

(ख) राज्य सरकारों से रिपोर्ट मांगी गई हैं कि उनके क्षेत्रों में संस्कृत पढ़ाने के क्या प्रबन्ध हैं, और क्या वे संस्कृत पढ़ाई की मौजूदा दशा को सुधारने के लिये कुछ पग उठाना चाहती हैं।

Shri Dabhi: May I know whether Government have taken, or propose to take, any steps to encourage the study of Sanskrit, which is one of the languages recognised by the Constitution?

Dr. M. M. Das: Primarily, it is the concern of the State Governments. Secondarily, when this resolution was sent to the Ministry of Education they asked the State Governments to report on the existing arrangements for teaching Sanskrit in their areas and whether they propose to take any steps to improve the present state of Sanskrit education.

Shri B. K. Das: May I know whether any decision has been taken or recommendation has been made with regard to the terms of reference of this Commission?

Dr. M. M. Das: No. The Advisory Board for Sanskrit of the Sahitya Akademi simply passed this resolution and sent it to the Ministry of Education.

Shri S. N. Das: May I know whether it is a fact that the Advisory Board for Sanskrit of the Sahitya Akademi invited books recently written in Sanskrit language, and no books of importance have been received by the Board?

Dr. M. M. Das: That is a separate question; I want notice.

श्री भक्त दर्शन : अभी बतलाया गया कि गवर्नमेंट इस दिशा में कुछ पग बढ़ाना चाहती हैं, मैं जानना चाहता हूं कि वह पग कितनी तेजी से बढ़ायेंगे और किस दिशा में बढ़ाये जायेंगे ?

Dr. M. M. Das: We have asked the State Governments whether they want to take further steps to improve Sanskrit education in their States.

MANUFACTURE OF TRUCKS

*2585. **Shri Vishwanatha Reddy:** Will the Minister of **Defence** be pleased to state:

(a) whether it is a fact that a factory for the manufacture of heavy trucks needed by the Defence Services is proposed to be set up by Government; and

(b) if so, what steps are being taken to implement this proposal?

The Deputy Minister of Defence (Shri Satish Chandra): (a) No such proposal is under consideration.

(b) Does not arise.

Shri Vishwanatha Reddy: May I know the total number of units required by the defence services annually for their normal replacements?

Shri Satish Chandra: The number depends upon annual assessment of the requirements. It is not a fixed number. Taking into account the number of trucks in stock and their condition, the future requirements are calculated year by year.

Shri Vishwanatha Reddy: May I know whether it has been brought to the notice of Government that sometime ago the hon. Minister of Commerce and Industry replying to the debate on motor vehicles assured the House that some time later a factory would be set up for the manufacture of trucks to meet the demands of the defence services? If so, has any action been taken by the Ministry?

Shri Satish Chandra: Certain factories already exist in the country. All the three-ton trucks are being obtained from the Hindustan Motors and Premier Automobiles. As far as heavy trucks are concerned, the Ministry of Commerce and Industry have certain proposals to establish their manufacture in India. Automobile industry is not under the Ministry of Defence. If the hon. Member wants more information, he may put a separate question to the Minister of Commerce and Industry.

Shri Matthen: May I know if all the vehicles now available for the defence services are vehicles of American origin, in other words American components assembled here by Hindustan Motors and Premier Automobiles? If so, in view of the military aid to Pakistan, would it be advisable to confine these vehicles only to.....

Mr. Speaker: Order, order. Let him not put any arguments. He may ask for information, say, whether there are factories for assembling parts manufactured in America.

Shri Satish Chandra: There is a programme for the manufacture of trucks in Indian factories, and some are being progressively manufactured in India.

Shri Matthen: He has not answered my question.

Mr. Speaker: Order, order. He has answered the question.

Shri Matthen: No.

MILITARY SCHOOLS

*2587. **Shrimati Ganga Devi:** Will the Minister of **Defence** be pleased to state the number of scheduled caste students at present studying in the Military schools?

The Minister of Defence (Dr. Katju): There is no Scheduled Caste student at present in the academic institutions under the control of the Defence Ministry. It has recently been decided to grant some scholarships

and concessions in fees to attract deserving Scheduled Caste students.

श्रीमती गंगा देवी : क्या डिफेंस मिनिस्टर यह बतलाने की कृपा करेंगे कि क्या अभी तक शेडयूल्ड कास्ट का कोई भी बच्चा इतना एफिशिएंट नहीं मिला है जो मिलेटरी स्कूल में दाखिल किया जा सके ?

डा० काटजू : मैं पिछले जमाने के बारे में कोई इतमीनान के साथ अर्ज नहीं कर सकता, लेकिन आजकल कोई नहीं है, क्योंकि दाखिला जितना होता है वह सब मेरिट के ऊपर होता है और उसमें कोई लिहाज किसी कास्ट और क्रीड का नहीं किया जाता है ।

Shri Balakrishan: May I know the number of seats reserved for Scheduled Castes?

Dr. Katju: There are no seats reserved for Scheduled Castes; seats are reserved for different States.

श्रीमती गंगा देवी : इंडिया में ऐसे मिलिटरी स्कूल कितने हैं और क्या इन स्कूलों में शेड्यूल्ड कास्ट्स के बच्चों के लिये फ्री एजुकेशन का प्राविजन होगा ?

डा० काटजू : डिफेन्स मिनिस्ट्री के मातहत तो सिर्फ पांच मदर्से हैं । बाकी छोटे छोटे मदर्से मुख्तलिफ यूनिट्स में कायम किये जाते हैं ।

Currency

***2588. Shri N. B. Chowdhury:** Will the Minister of **Finance** be pleased to state whether Government propose to withdraw from circulation the Indian currency notes of King George's time?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Government of India Currency notes and bank notes of King George's time are already being withdrawn gradually from circulation.

Shri N. B. Chowdhury: May I know whether the Government are aware that the railway booking clerks are suffering a great deal due to the circulation of Burma and Pakistan notes of King George's time and whether Government want to take any steps to prevent it?

Shri A. C. Guha: I think certain reports came sometime back about the use of these Burma and Pakistan notes—the Indian notes on which Burma and Pakistan were superscribed. Government have taken certain steps to stop the use of these things.

Shrimati Tarkeshwari Sinha: In view of the large circulation of these type of notes in the market, what facilities do the Government propose to offer to the persons who want to exchange these notes?

Shri A. C. Guha: That is why these notes had not been demonetised we want to give some facilities to these people so that they get these exchanged. That facility is being utilised by the people and a large number of notes had been withdrawn.

The notes in circulation total Rs. 149 crores.

Shri N. B. Chowdhury: May I know whether Government have fixed any time-limit for the withdrawal of such notes?

Shri A C. Guha: No, Sir. There is nothing like that. The gradual withdrawal of such notes came into operation from the second half of 1952 but there is as yet no time-limit fixed for it.

Art Treasures and Historical Documents

***2590. Shri H. N. Mukerjee:** Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that an agreement has been reached with the U. K. Government in regard to India's claims for restoration of her art treasures and historical documents now in England; and

(b) if so, what are its terms?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): (a) No, Sir.

(b) Does not arise.

Shri H. N. Mukerjee: Will Government let us know when, if at all, we are going to get back our art treasures and historical documents in England.

Dr. M. M. Das: The Ministry of Education addressed letters to the heads of foreign missions here for their help to compile a catalogue of Indian art treasures, if any, in their respective countries. Another letter was also addressed to our own embassies, missions etc., to compile a catalogue of Indian Art objects and other things in those respective countries. As soon as we receive this, an *aid-de-memoir* to all Indian missions will be sent to negotiate for the return of the Indian art objects which are in those countries.

Shri H. N. Mukerjee: May I know what progress, if any, has been made regarding making a full inventory of the art treasures and historical documents like those which are found in the British Museum and the Victoria and Albert Museum, and also the paintings and drawings in the India Office Library?

Dr. M. M. Das: Our High Commissioner in London has been able to obtain a catalogue namely, *The Indian Art*. a small picture book No. 7 of 1948 published by the Victoria and Albert Museum, London; it has been sent to us and we will take action, as I said before.

Shrimati Tarkeshwari Sinha: Is it a fact that all these art treasures and documents belonged to undivided India *i.e.*, comprising the present India and Pakistan? Now that they have become two different countries, on what basis will the division between India and Pakistan take place?

شکشا تتھا پراکرتک سنسادھن اور ویگیانک کویشلا ملتری (مولانا آزاد) : اس کویشچن سے اس کا کوئی تعلق نہیں ہے -

[The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): That has nothing to do with this question.]

अध्यक्ष महोदय : ताल्लुक तो है । यह कहा गया है कि रेस्टोरेशन होगा, तो उन का सवाल यह है कि चूंकि उस में पाकिस्तान भी हिस्सा मांग सकता है इस लिये किस प्रकार से इस का निर्णय किया जायेगा कि कौन सा हिस्सा हिन्दुस्तान का है और कौन सा पाकिस्तान का ?

مولانا آزاد : پاکستان کی طرف سے کوئی ایسی قسانڈ ہمارے سامنے نہیں آئی ہے -

[Maulana Azad: We have not received any such demand from Pakistan.]

Sardar Iqbal Singh: May I know whether the Government of India have made any representation for the return of Koh-Noor Diamond back to India.

Dr. M. M. Das: That question had been answered many times before this House.

HINDI COMMISSION

*2591. **Shrimati Tarkeshwari Sinha:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government propose to appoint a Commission to examine how far the introduction of Hindi as the official langauge of India has progressed;

(b) if so, the personnel of the Commission; and

(c) the terms of reference of the Commission?

The Deputy Minister of Home Affairs (Shri Datar): (a) to (c). The matter is under active consideration of the Government and an announcement may be expected very soon.

Shrimati Tarkeshwari Sinha: May I know what will be the major lines on

which this commission will work? And in view of the importance of this body, may I know the name of the person who is likely to be appointed as its Chairman?

Shri Datar: At this stage, I would not like to disclose the names of either the Chairman or the members of this commission which will work within the provisions of article 343 of the Constitution.

Shrimati Tarkeshwari Sinha: May I know whether there will be representatives of all the 14 languages recognised by the Constitution of India and on what basis these representatives will be appointed?

Shri Datar: There will be representatives of all the regional languages recognised by the Constitution and the principle is that they ought to be able to advise the Government properly so far as action under article 343 is concerned.

Shrimati Tarkeshwari Sinha: May I know whether some Members of Parliament will also be associated in the commission or whether after the finalisation of their report a separate Committee of Parliament will be appointed?

Shri Datar: I presume that so far as the latter portion is concerned, there is a provision in the Constitution itself that a Committee of the Members of Parliament is to be appointed after a report from the Hindi Commission is received.

COLOMBO PLAN

*2592. **Shri S. N. Das:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that Government have called a Conference of the recipient countries of the Colombo Plan aid to discuss the utilisation of American assistacne offered under the Plan;

(b) if so, the reasons therefore; and

(c) the subjects that are likely to be discussed in the Conference?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Yes, Sir.

(b) and (c). The main purpose of the meeting is to consider the pattern of utilisation of U.S. Aid in future, with reference not only to the present bilateral country programmes but also with particular reference to projects designed to promote intra-regional trade and regional development. The meeting may also discuss other matters which may come up for consideration at the next meeting of the Colombo Plan Consultative Committee.

Shri S. K. Das: May I know if the Government of the United States had asked the Government of India to convene this Conference or the Government of India is itself going to convene this Conference?

Shri M. C. Shah: There is no question of asking by the U. S. Government nor the question of the India Government taking up the matter. There is a special fund of about 200 million dollars given to the South East Asian countries for the intra-regional development of trade and therefore, the countries which are receiving aid under the Colombo Plan would meet to discuss and finalise these matters.

Shri S. N. Das: May I know whether any of the Governments had declined to attend the Conference and, if so, what are those countries?

Shri M. C. Shah: So far, invitations had been extended to the following Asian members of the Colombo Plan: Burma, Cambodia, Ceylon, Indonesia, Japan, Laos, Nepal, Pakistan Philippines, Malaya Singapore, Thailand and Viet-Nam. Invitations had been accepted by the Governments of Cambodia, Indonesia, Japan, Laos, Thailand, and Viet Nam; the Governments of Malaya and Singapore are also expected to accept the invitation. The Governments of Ceylon and Burma are not inclined to attend but a further clarificatory telegram has been sent and it is expected that these two

Governments will also send their representatives. No reply has yet been received from the Governments of Nepal, Pakistan and Philippines but it is expected that they too will attend.

Shri S. N. Das: May I know the reasons given by Burma and Ceylon for not attending this meeting?

Shri M. C. Shah: They are not inclined to attend; there are no specific reasons and therefore, we have already sent clarification telegrams.

Shri C. R. Narasimhan: How can there be a Colombo Plan without Ceylon in it?

SURVEY OF MINERALS

2593. Shri C. R. Narasimhan: Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether Government have any proposal under consideration for the proper survey of the chalk hill areas of Salem for gold, silver, copper and ilmenite ores?

The Minister of Natural Resources (Shri K. D. Malaviya): No Sir, as these minerals do not occur there.

Shri C. R. Narasimhan: May I know if the Government's attention has been drawn to the press reports from the South that a certain geologist has claimed to have found some rare mineral rocks containing silver and gold and whether Government consider it advisable to re-investigate the matter?

Shri K. D. Malaviya: My hon. friend drew my attention to the views expressed by a certain young geologist of the South yesterday only. But the Government do not think that the information is worth while. The expert opinion that we have received is that it will perhaps be a waste of time and money to try to search for minerals like silver and gold in that region.

COUNTERFEIT COINS

***2594. Shri Kasliwal:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether Government are aware that inter-State gangs are operating in Delhi flooding the capital with counterfeit coins; and

(b) if so, the steps Government propose to take in this regard?

The Deputy Minister of Home Affairs (Shri Datar): (a) Government have no information.

(b) Does not arise.

I may inform the hon. Member that no case as such was reported during the last twelve months. In the year 1954, there were 11 stray cases of which the offenders in three cases belonged to the Uttar Pradesh and one to Punjab and eight to Bengal.

Shri Kasliwal: May I know whether the attention of the Government has been drawn to a report appearing in one of the recent issues of the *Times of India* in which grave allegations have been made regarding this matter, saying that literally, there are hundreds of people who are engaged in this illicit trade and the public is suffering a great deal?

Shri Datar: I am not aware of that particular report, but merely because certain items appeared in the Press, it does not mean that there is any gang unless overt action has been taken by it and the cases are found out.

Shri Kasliwal: Are the Government aware that in that particular report, it also appeared that the police had arrested some people who had taken up illicit measures for the manufacture of these counterfeit coins?

Shri Datar: I am not aware of that.

Shri Kelappan: Will the Government take the information given now and conduct an enquiry?

Shri Datar: Government are always prepared to take the information given on the floor of this House.

INTERNATIONAL TEAM ON SECONDARY EDUCATION

***2595. Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state the steps Government propose to

take to implement the recommendation of the International Team on Secondary Education for extending the superannuation age of teachers?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): The matter is primarily the concern of the State Governments to whom copies of the Report of the International Team on Secondary Education have been circulated.

Shri D. C. Sharma: May I know if the Government of India have received any observations from the State Governments on the subject?

Dr. M. M. Das: The implementation of the recommednations of the scheme is the State Governments' business. So, it is not necessary for them to inform the Central Government as to what action they take.

Shri D. C. Sharma: If this is the state of affairs, what was the use of appointing this Secondary Education Commission?

Dr. M. M. Das: Because the Government felt the necessity of setting up such a Commission.

Shri D. C. Sharma: May I know what action the Government propose to take in order to have a uniform policy with regard to the superannuation of teacher all over India?

Dr. M. M. Das: Government are trying their best in this regard and they will continue their attempt in future also but up till now nothing tangible has been achieved.

Shri D. C. Sharma: May I know what best the Government have done up to this time and what best has been achieved, to which the hon. Minister referred, in this particular context?

Dr. M. M. Das: I do not understand what he means, will he kindly repeat?

NATIONAL ARCHIVES REPOSITORY

*2596. **Shri S. C. Samanta:** Will the Minister of **Education** be pleased to refer to the answer given to starred question No. 187 on the 24th February, 1955 and state the amount that has been sanctioned and spent so far for air-conditioning the present National Archives repository as well as its proposed annexe?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): Rs. 2,50,000/- and Rs. 1,14,540/- respectively. As regards air-conditioning of the proposed annexe, the estimates of expenditure are still being prepared.

Shri S. C. Samanta: May I know whether Government proposes to construct more storeys on the existing building also, as the air-conditioning scheme is going on?

Dr. M. M. Das: The scheme for construction of the proposed annexe has not been finalised yet, not to speak of others.

Shri S. C. Samanta: May I know whether this annexe will stretch to the south up to Kingsway?

Dr. M. M. Das: I have got no idea.

PENSIONS TO *Ex*-BRITISH OFFICERS

*2597. **Dr. Ram Subhag Singh:** Will the Minister of **Finance** be pleased to state:

(a) whether any economy has been effected as a result of the transfer of the responsibility of controlling, administering and paying pensions and other liabilities to or in respect of persons who had served the British Crown in this country to the Government of the United Kingdom; and

(b) if so, what is the estimated annual amount thus saved?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) Yes, Sir.

(b) About Rupees ten lakhs a year.

Dr. Ram Subhag Singh: Who will be responsible for the payment of pensions which remain unpaid before the transfer rate?

Shri M. C. Shah: The Government of the United Kingdom.

Shri Joachim Alva: By what year the last pension will have been paid off to the British officers, either in civil or military employ, who have worked in India?

Shri M. C. Shah: We are not concerned with it, because the United Kingdom will arrange for the payment of pensions and we have already given Rs. 224 crores in 1948. Now, this has all been considered, and we will get a sum of Rs. 50 crores back and nearly Rs. 8 crores on account of the income-tax, so that we will get back a total of Rs. 58 crores. The whole thing will be the responsibility of the United Kingdom Government. If there is any claim made against the Government of India, then the United Kingdom will be responsible for that.

WAR COMPENSATION

*2599. **Shri Rishang Keishing:** Will the Minister of **Defence** be pleased to state;

(a) the number of claims petitions accepted by Government from the Assam Relief Measures areas of Manipur for payment of compensation;

(b) whether it is a fact that the payment of the war compensation is proposed to be made in two different periods;

(c) if so, when the first and the second payments will be completed; and

(d) whether it is a fact that the people will be deprived of the compensation if they take part in the *satyagraha* movement now going on in Manipur?

The Deputy Minister of Defence (Sardar Majithia): (a) 42,121. Additional 2,000 claim petitions are under scrutiny.

(b) No. Payments are made as and when claims are accepted.

(c) Does not arise.

(d) No.

Shri Rishang Keishing: In view of the fact that propaganda has been persistently carried on by the agents of the Government in the hilly areas, how the Government or the hon. Minister will assure the House that such things will not happen? I am referring to the answer to part (d) where the hon. Minister has given a negative reply.

Sardar Majithia: I have said so and the hon. Member can quote me to have assured the House that there is no such thing as any adverse action being taken against anybody for taking part in any such movement.

Shri Rishang Keishing: Has there been any case registered in the courts against any officer for collecting money from the tribal people by giving false assurance that the full amount demanded by them as compensation would be paid, and if so, how are the Government going to deal with such cases?

Sardar Majithia: To my knowledge, no such cases have been registered.

AMENITIES FOR SECRETARIAT STAFF

*2602. **Shri S. C. Samanta:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any special sum was placed at the disposal of the Ministry of Home Affairs to provide amenities to the Secretariat staff during 1954-55; and

(b) if so, how the sum has been spent?

The Deputy Minister of Home Affairs (Shri Datar): (a) A sum of Rs. 55,000 was sanctioned as an annual grant.

(b) A statement giving the information is laid on the Table of the House. [*See* Appendix XII, annexure No. 20.]

Shri S. C. Samanta: May I know what are the amenities that are generally provided?

Shri Datar: Amenities for sports are generally provided.

Shri S. C. Samanta: May I know whether any sports teams were sent out of this Fund?

Shri Datar: There are Inter-Ministry tournaments and competitions which are often going on. On one occasion, one team was sent, but I am not sure whether it was sent out of this Fund.

Shri S. C. Samanta: May I know who deals with this money? Is there any Committee or anything like it?

Shri Datar: There is Central Secretariat Staff Welfare and Amenities Committee and a Staff Welfare Officer has been oppointed. Then there are also sub-committees dealing with different Ministries.

BLANKETS FOR TRIBAL CHIEFS

*2603. **Shri Rishang Keishing:** Will the Minister of **Home Affairs** be pleased to state:

(a) the number of red blankets awarded to the Tribal Chiefs in 1954-55 in the Manipur State; and

(b) whether Government has asked any of the recipients of the red blankets to surrender the same for their participation in the *Satyagraha* movement in Manipur?

The Deputy Minister of Home Affairs (Shri Datar): (a) 272.

(b) No.

Shri Rishang Keishing: May I enquire whether Government consider the recipients of the red blankets as Government servants?

Shri Datar: They are not considered as Government servants only by the fact of their receiving this honour. If they are already Government servants, then naturally the matter is entirely different.

Shri Rishang Keishing: Is it not a fact that the Tribal Chiefs have rendered commendable service to Government to run the administration in the hill areas and it is for that reason that they have been awarded these red blankets. If so, may I know whether Government can at any time take back the red blankets already awarded to them?

Shri Datar: What the hon. Member has stated is true to a large extent. Government had finalised the rules in 1902, and Government grant these pieces of red cloth for meritorious public or social services. Then, in proper cases, whenever it is found that they are carrying on anti-social activities, the Government have a right to recall them.

AID FROM SOVIET RUSSIA

*2578. **Shri Radha Raman:** Will the Minister of **Finance** be pleased to state:

(a) whether any Agreement for aid to be provided by the Soviet Union under the United Nations Technical Assistance Scheme, has been recently signed;

(b) if so, the main features of the Agreement;

(c) the total amount of the aid and the form in which it will be received; and

(d) whether any Soviet experts are also to visit this country in that connection?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) No such agreement has been signed by the Government of India.

(b) to (d). Do not arise.

Shri Radha Raman: May I know whether there is any prospect of signing such an agreement in the near future?

Shri M. C. Shah: There is no prospect of signing such an agreement. Such an agreement is not necessary. As a matter of fact, the U.S.S.R. have informed us that they have agreed to place at the disposal of the Expanded Technical Assistance Scheme of UNO,

a sum of 4 million roubles, (about Rs. 50 lakhs) and from that, Asia can take advantage of some experts or some equipment for those experts.

Shri Radha Raman: May I know whether India is going to be a partner in that in order to share that 50 lakhs?

Shri M. C. Shah: It is not on the question of sharing. India has to send certain proposals to the UNO Expanded Technical Assistance Administration. Therefore, India proposes to send some officials, about 18 in number, to find out whether there are certain experts who can be useful in India, and also certain equipment.

HINDI TYPE-WRITER

*2569. **Shri D. C. Sharma:** Will the Minister of **Education** be pleased to state whether a standard key-board for Hindi type-writers has been evolved?

The Parliamentary Secretary to the Minister of Education (Dr. M. M. Das): Yes, Sir, but the final decision has not yet been arrived at.

Shri D. C. Sharma: May I know the agency that is entrusted with the task of evolving a uniform key-board for Hindi type-writers?

Dr. M. M. Das: A committee consisting of representatives one each, of the Controller of Printing and Stationery, the Director General of Posts and Telegraphs, and the Education Ministry, has now been set up to decide finally what sort of key-board should be used for Hindi type-writers?

Shri D. C. Sharma: May I know how many different types of key-boards have been examined by this agency so far?

Dr. M. M. Das: The examination is now being carried on with different combinations of characters.

Shri D. C. Sharma: May I know whether any Hindi writer of eminence will be associated with this committee when the final decision is to be arrived at?

Dr. M. M. Das: It is more or less a technical matter, and technicians are required rather than writers.

श्री भक्त दर्शन : क्या मैं जान सकता हूं कि कितने वर्षों से इस समस्या पर विचार किया जा रहा है और कितने और वर्ष इसमें लगने वाले हैं ?

Dr. M. M. Das: The matter will be decided very soon, I think.

WRITTEN ANSWERS TO QUESTIONS

BACKWARD CLASSES COMMISSION'S REPORT

*2571. **Ch. Raghubir Singh:**
Shri A. R. Sewal:
Shri Randaman Singh:

Will the Minister of **Home Affairs** be pleased to state:

(a) the main recommendations made by the Backward Classes Commission in their report; and

(b) the approximate expenditure so far incurred on the Commission?

The Deputy Minister of Home Affairs (Shri Datar): (a) The report has been received only recently and is being studied. The recommendations will be placed before the House as early as possible;

(b) Rs. 5 lakhs

अंदमान

*२५७२. सेठ गोविन्द दास : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि १९५३-५४ में बसने के लिये अंदमान द्वीप समूह में भेजे गये भारतीय परिवारों में से कितने परिवार वापस लौट आये हैं ?

गृह-कार्य उपमंत्री (श्री दातार) : कुटुम्ब के मुखिया के अस्वस्थ होने के कारण चार सदस्यों का एक कुटुम्ब द्वीप से लौट आया ।

राजस्थान में किलों का संरक्षण

*२५७६. श्री पी० एल० बारूपाल : क्या शिक्षा मंत्री यह बताने की कृपा करेंगे कि राजस्थान राज्य के जो किले इस समय सरकार के पुरातत्व विभाग के अधीन हैं उन के संरक्षण के लिये सरकार ने यदि कोई योजना बनाई हो तो वह किस प्रकार की है ?

शिक्षा तथा प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री (मौलाना आजाद) : इस कार्य के लिये कोई विशेष योजना नहीं हो सकती । प्रत्येक स्मारक पर अलग अलग ध्यान दिया जाता है ।

Aid from Japan

*2576. **Th. Jugal Kishore Sinha:** Will the Minister of **Finance** be pleased to state how Government propose to take advantage of the assistance available from Japan?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): Presumably the hon. member is referring to technical assistance available from Japan, under the Technical Co-operation Scheme of the Colombo Plan. It is proposed to take advantage of this assistance in the usual way, by

(i) securing the services of experts and technicians from Japan, and any equipment required by them for their work; and

(ii) sending Indians for higher technical training in Japan.

Piracies

*2581. **Shrimati Ila Palchoudhury:** Will the Minister of **Home Affairs** be pleased to state:

(a) whether any piracies were committed on Indian waters during the years 1953 and 1954;

(b) if so, the total number in each year and the amount of loss involved; and

(c) whether any pirates were captured, and, if so, the names of the countries to which they belonged?

The Deputy Minister of Home Affairs (Shri Datar): (a) No case has been brought to the notice of the Government of India.

(b) and (c). Do not arise.

सचिवालय में भर्ती

*२५८२. **डा० सत्यवादी** : क्या गृह-कार्य मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि कर्मचारियों की भर्ती के सम्बन्ध में प्रत्येक मंत्री को कुछ प्रतिशत संख्या अपनी राय से नियुक्त करने का अधिकार प्राप्त है,

(ख) यदि हां, तो प्रत्येक मंत्री को कितना कोटा नियत किया गया है ; और

(ग) प्रत्येक मंत्री ने गत वर्ष उपर्युक्त कोटे में से कितनी नियुक्तियां की हैं और उन में अनुसूचित जातियों के कितने व्यक्ति हैं ?

गृह-कार्य उपमंत्री (श्री दातार) : (क) तथा (ख). ऐसा कोई कोटा नियत नहीं है । वास्तव में किसी भी मंत्री को विशेष रूप से अधिकार नहीं है कि अपनी राय से किसी को नियुक्त करें । सब नियुक्तियां या तो संघ लोक सेवा आयोग के परामर्श से या सरकार के आधीन उनके द्वारा होती हैं जो नियुक्त करने का अधिकार रखते हों । अपने निजी स्टाफ के लिये यह स्वाभाविक है कि संबन्धित मंत्री की अपनी राय काफी बल रखती है ।

(ग) प्रश्न ही नहीं उठता ।

Yogic Physical Culture

*2589. **Babu Ramnarayan Singh:** Will the Minister of **Education** be pleased to state the findings of the Sub-Committee of the Central Advisory Board of Physical Education with special reference to the introduction of Yogic Physical Culture in schools and colleges of the country?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The Sub-Committee of the Central Advisory

Board of Physical Education, appointed in 1953, has made no specific reference to the introduction of Yogic Physical Culture in schools and colleges. But it is expected that Yogic exercises will form a part of the Physical Education Syllabus now being framed by another Sub-Committee especially set up for this purpose by the Board.

IRON ORE

*2598. **Shrimati Ila Palchoudhury**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state the reasons for the decrease in the output of iron ore during the month of January, 1955 as compared to that in December, 1954?

The Minister of Natural Resources (Shri K. D. Malaviya): The production figures for December 1954 and January 1955 were approximately 382,000 and 357,000 tons respectively. The variation of 25,000 cannot in itself be regarded as significant unless this declining tendency persists in ensuing months.

AJANTA CAVES

*2600. **Th. Jugal Kishore Sinha**: Will the Minister of **Education** be pleased to state the terms and conditions of the contract entered into by Government with the UNESCO to photograph the paintings in the Ajanta Caves?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement is laid on the Table of the House. [*See* Appendix XII, annexure No. 21.]

CUSTOMS DUTY

*2601. **Shri K. C. Sodhia**: Will the Minister of **Finance** be pleased to state:

(a) the agency that is responsible for the collection of customs duty on articles received through inward foreign letters and parcels;

(b) the total amount of duty so collected during 1954-55; and

(c) the expenditure incurred under this head?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): (a) The Indian Posts & Telegraphs Department.

(b) As accounts for the year 1954-55 have not yet been closed, the total customs duty realised during the year through the intermediary of Post Office is not available. Actuals for the first 10 months (upto January, 1955), are Rs. 1,07,09,000.

(c) Rs. 8,35,000 for the year 1954-55.

YOUTH HOSTELS

*2604. **Th. Jugal Kishore Sinha**: Will the Minister of **Education** be pleased to lay a statement on the Table of the House showing the number of Youth Hostels (Statewise)?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): A statement showing number of Youth Hostels (statewise) is placed on the Table of the House. [*See* Appendix XII, annexure No. 22.]

GOLD

1044. **Shri T. B. Vittal Rao**: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the total quantity of stone crushed annually in the Gold Mines, Hutti, Hyderabad since 1950; and

(b) the quantity of gold extracted there since 1950?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). A statement giving the required information is attached. [*See* Appendix XII, annexure No. 23.]

SCHOLARSHIPS TO INDIAN STUDENTS

1045. **Chaudhri Muhammed Shaffee**: Will the Minister of **Education** be pleased to state:

(a) the number of Scholarships offered by the foreign Governments

and other Agencies to the Indian students for higher studies since 1951;

(b) the number of the students (State-wise) and the manner in which they were selected for these Scholarships;

(c) the subjects of their study; and

(d) the names of the countries and the periods for which they had gone there?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (d). Full information asked for is not available with Government. Information in respect of awards made with the knowledge of the Ministry of Education is given in the statement attached. [*See* **Appendix XII, annexure No. 24.**]

INSTITUTIONS FOR THE PHYSICALLY HANDICAPPED

1046. Shri D. C. Sharma: Will the Minister of **Education** be pleased to state:

(a) the total number of educational institutions for physically handicapped persons in India;

(b) their number (State-wise); and

(c) whether more institutions of this nature are being opened?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). A statement giving the requisite information in respect of educational institutions for the blind and the deaf is laid on the Table of the Lok Sabha. [*See* Appendix XII, annexure No. 25.]

Information in respect of other categories of physically handicapped persons is being collected and will be laid on the Table of the Lok Sabha in due course.

(c) Yes, two new institutions for the blind are being opened by the Government of Bombay.

EXCAVATIONS

1047. Shri Bhagwat Jha Azad: Will the Minister of **Education** be pleased to state:

(a) the nature of the fresh excavations that have been undertaken during 1955 so far by the Archaeological Department; and

(b) whether any articles of historical importance have been unearthed?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) A statement is attached. [*See* Appendix XII, annexure No. 26.]

(b) Yes, Sir.

M.E.S. LABOUR IN JAMMU

1048. Chaudhri Muhammed Shaffee: Will the Minister of **Defence** be pleased to state:

(a) whether Government has received any representation from labour employed by M.E.S. in Jammu;

(b) the contents of the representation made; and

(c) what action has been taken thereon?

The Deputy Minister of Defence (Shri Satish Chandra): (a) Yes, Sir.

(b) and (c). A statement is laid on the Table of the House. [*See* Appendix XII, annexure No. 27.]

REGISTERED VOTERS

1049. Chaudhri Muhammed Shaffee: Will the Minister of **Law** be pleased to state:

(a) the total number of voters registered (State-wise) in Electoral Rolls in India at present and the number of those who were registered as voters for the last General Elections; and

(b) the number of persons (State-wise) who have been disqualified from

voting as the result of election irregularities?

The Minister in the Ministry of Law (Shri Pataskar): (a) and (b). A statement giving the information is laid on the Table of the House. [*See* Appendix XII, annexure No. 28.]

MINISTER'S DISCRETIONARY FUND

1050. Shri S. C. Samanta: Will the Minister of **Education** be pleased to state:

(a) the total amount of grants paid out of the Education Minister's Discretionary Fund during 1954-55;

(b) the corresponding amounts in the last three years;

(c) the details of the amounts paid during 1954-55; and

(d) whether there is any surplus amount in hand at the end of 1954-55?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Rs. 2,49,575/4/-.

(b)	1951-52	Rs. 1,70,726/-
	1952-53	Rs. 1,34,668/-
	1953-54	Rs. 2,38,533/8/-

(c) A statement is laid on the Table of the House. [*See* Appendix XII annexure No. 29.]

(d) Rs. 424|12|-

DISCOVERY OF MINERALS

1051. Shri Bishwa Nath Roy: Will the Minister of **Natural Resources and Scientific Research** be pleased to state whether it is a fact that some new minerals have been discovered in Malla Nagpur, District Garhwal (U. P.)?

The Minister of Natural Resources (Shri K. D. Malaviya): No, Sir.

IRON ORE

1052. Shri B. S. Murthy: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) the extent of iron-ore found in Jaggayyapet, Kistna District in Andhra State; and

(b) the quality of the material found?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) The investigation of iron ore deposits in the area has not yet been completed. According to present information, the available quantity of ore is estimated to be in the region of one to two million tons.

(b) It is reported that the average assay value of the ore is 60·9 per cent. fe.

POPULATION SURVEY IN PART 'C' STATES

1053. Chaudhri Muhammed Shaffee: Will the Minister of **Home Affairs** be pleased to state:

(a) the present population of Delhi State;

(b) whether any increase or decrease has been reported in it in relation to the 1951 census figures;

(c) if so, what is that increase or decrease;

(d) whether any survey has been conducted by the Bureau of Economics and Statistics of Delhi State;

(e) if so, what are its findings;

(f) what is the monthly birth-rate and death-rate;

(g) whether such survey has been conducted in other Part "C" States; and

(h) if so, the nature of the reports received in this regard?

The Deputy Minister of Home Affairs (Shri Datar): (a) The population of Delhi State according to 1951 census is 17,44,072. The estimated mid-year population for the year 1954 is 19,99,138.

(b) Yes. The estimated mid-year population shows an increase.

(c) An increase of 2,55,066 over the census figures of 1951.

(d) No.

(e) Does not arise.

(f) A statement is enclosed. [*See* Appendix XII, annexure No. 30.]

(g) and (h). A sample Census of births, deaths and maternity characteristics was carried out in Ajmer, Bilaspur, Coorg, Himachal Pradesh, Kutch, Manipur, Tripura and Vindhya Pradesh in 1952-53 by the Registrar General (India) along with a number of other States of India. The report is under print and is likely to be published in July, 1955.

TRIBAL EDUCATION

1054. Shri Dasaratha Deb: Will the Minister of **Education** be pleased to state:

(a) whether it is a fact that the Tripura Rajya Ganamukti Parishad has submitted a memorandum to the Government of Tripura, for the advancement of Tribal education; and

(b) if so, the steps taken thereon?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) Yes, Sir.

(b) The proposal contained in the memorandum in question is under the examination of the Tripura Government.

CENTRAL SOCIAL WELFARE BOARD

1055. Shri Sanganna: Will the Minister of **Education** be pleased to state the total number of Voluntary Welfare Organisations in each State, if the information is available?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): The information is not available.

GUN LICENCES

1056. Shri Rishang Keishing: Will the Minister of **Home Affairs** be pleased to state:

(a) the number of gun licences issued in the year 1954-55 in the Manipur State:

(b) whether it is a fact that villages consisting of less than twenty houses are not allowed to own guns;

(c) whether it is a fact that a large number of guns and licences have been seized by the Government of Manipur recently;

(d) if so, the number of guns and licences so far seized; and

(e) the reason for seizing the same?

The Deputy Minister of Home Affairs (Shri Datar): (a) 679 (From the 1st April 1954 to 31st March 1955).

(b) and (c). No.

(d) and (e). Do not arise.

RURAL BANKING ENQUIRY COMMITTEE

1057. Sardar Iqbal Singh: Will the Minister of **Finance** be pleased to refer to the reply given to unstarred question No. 402 on the 11th September, 1954 and state:

(a) the number of branches of the Imperial Bank of India that were opened in the various States in 1954-55;

(b) the number of branches proposed to be opened in 1955-56; and

(c) the names of the places where these branches have been opened or are proposed to be opened?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The total number of branches opened by the Imperial Bank in different States from 1st April, 1954, to 31st March, 1955, is 19.

(b) During its five-year expansion programme beginning from the 1st July, 1951, the Imperial Bank of India agreed to open in all 114 branches. 62 branches have already been opened upto the 31st March, 1955. The number of branches to be opened during the remaining period, 1st April, 1955 to the 30th June, 1956 is 52.

(c) A statement is enclosed showing the names of places where the Imperial Bank of India have already

opened their branches under the expansion programme upto the 31st March, 1955, and where such branches were proposed to be opened during the remaining period *i.e.* by the 30th June, 1956, according to the programme drawn up. [*See* Appendix XII, annexure No. 31.]

EXPLOITATION OF COPPER ORE

1059. Shri Vishwanatha Reddy: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the drilling operations in the copper ore belt in the Andhra State have been completed; and

(b) if so, the result of these operations?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) and (b). A statement giving the required information is attached. [*See* Appendix XII, annexure No. 32.]

DIVISION OF ASSETS

1060. Shri Vishwanatha Reddy: Will the Minister of **Home Affairs** be pleased to state:

(a) whether all the outstanding questions regarding the division of assets and liabilities between the States of Andhra, Madras and Mysore have been amicably settled; and

(b) if not, the items on which settlement has not been reached?

The Deputy Minister of Home Affairs (Shri Datar): (a) and (b). All questions so far referred to the Government of India have been amicably settled except that relating to the division of the assets of the Madras High Court between Madras and Andhra States. This question is under consideration.

CHITOR

1061. Shri Bishwa Nath Roy: Will the Minister of **Education** be pleased to state:

(a) whether Government have taken any steps for repairing the historic fort of Chitor; and

(b) whether any scheme is under consideration for using it in connection with some national work?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). Yes, Sir.

SCHOLARSHIPS

1062. Dr. Satyawadi: Will the Minister of **Education** be pleased to state:

(a) the number of candidates selected from each State for Scholarships offered by the Federation of British Industries;

(b) the subjects of their training; and

(c) the places of their training?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) to (c). A statement is laid on the Table of the House. [*See* Appendix XII, annexure No. 33.]

ROYALTY ON GOLD

1063. Shri Kasliwal: Will the Minister of **Natural Resources and Scientific Research** be pleased to state:

(a) whether the Government of Mysore propose to double the royalty paid by the Kolar Gold Field Mining Companies; and

(b) if so, whether this would in any way, affect the Gold Industry?

The Minister of Natural Resources (Shri K. D. Malaviya): (a) Yes, Sir.

(b) It will inevitably increase the industry's cost of production.

बुनियादी और सामाजिक शिक्षा केन्द्र

१०६४. श्री राम शरण : क्या शिक्षा मंत्री सभा पटल पर एक विवरण रखने की कृपा करेंगे जिस में निम्नलिखित बातें दिखाई गई हों :

(क) कितने ऐसे बुनियादी स्कूल और सामाजिक शिक्षा केन्द्र हैं, जिन की स्थापना की

लिये वर्ष १९५४ में उत्तर प्रदेश की सरकार को केन्द्रीय सरकार द्वारा सहायता दी गई ;

(ख) यह सहायता कितनी राशि की थी और उसी कालावधि में सारे देश में इस काम पर कितना व्यय हुआ ; और

(ग) आजकल उत्तर प्रदेश में केन्द्र द्वारा सहायता पाने वाली इस प्रकार की कुल कितनी संस्थायें हैं ?

शिक्षा तथा प्राकृतिक संसाधन और वैज्ञानिक गवेषणा मंत्री (मौलाना आजाद) : (क) से (ग). एक विवरण सभा पटल पर रख दिया गया है [दूसरे परिशिष्ट १२, अनुबन्ध संख्या २४].

YOGIC RESEARCH

1065. Babu Ramnarayan Singh: Will the Minister of **Education** be pleased to state:

(a) whether the Yogic Research work done by the Kaivalayadham Shreeman Madhava Yoga Mandir Samiti, Lonavala, has been brought to the notice of the people in general; and

(b) if so, in what way?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). The Government of India have no information.

UNION PUBLIC SERVICE COMMISSION

1066. Shri K. C. Sodhia: Will the Minister of **Home Affairs** be pleased to state:

(a) the total amount of T.A. paid by the Union Public Service Commission to candidates interviewed or tested for recruitment during 1954-55;

(b) the total number of such candidates; and

(c) in how many cases T. A. was paid to candidates who came from abroad and what was the total amount so paid?

The Deputy Minister of Home Affairs (Shri Datar): (a) Rs. 3,72,342/-.

(b) 4,129.

(c) Candidates coming from outside India are paid T.A. contributions in respect of the journeys performed within the limits of the Indian Republic only. The number of such candidates called for interview and amount of T.A. paid to them are included in the figures furnished above. Separate figures in respect of such candidates are not readily available.

SCHOLARSHIPS

1067. Shri Sanganna: Will the Minister of **Education** be pleased to state:

(a) whether Government are aware that students from the Orissa State studying at present in the Veterinary College of the Punjab State are put to hardship due to irregular payment of Scholarships awarded to them by the Government of India; and

(b) if so, the steps that are being taken in the matter?

The Minister of Education and Natural Resources and Scientific Research (Maulana Azad): (a) and (b). Only one student from the Orissa State is studying at present in a Veterinary College of the Punjab State who is in receipt of the Government of India scholarship under the Scheduled Castes, Scheduled Tribes and other Backward Classes Scholarships Scheme. His completed application for the scholarship for 1954-55 was received in the Ministry of Education on the 25th November, 1954. The amount of both the instalments of his scholarship was sent to the Principal of his College for disbursement to him in January 1955. There has thus been no delay in making the payment.

CONTROLLER OF DEFENCE ACCOUNTS

1068. Shri M. S. Gurupadaswamy: Will the Minister of Finance be pleased to state:

(a) the monthly rent paid for the office of Controller of Defence Accounts (Officer) Poona;

(b) whether any proposal to shift the offices to some place in South or to build a permanent office in Poona is under the consideration of Government; and

(c) if so; whether any decision has been taken?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) Rs. 2,500/-.

(b) No proposal to shift the office of the Controller of Defence Accounts (Officer) to any place outside Poona is under the consideration of Government. A proposal to construct a building for the office in Poona is, however, under consideration.

(c) No decision has yet been taken.

NATIONAL RESEARCH DEVELOPMENT CORPORATION

1069. Dr. Rama Rao: Will the Minister of Natural Resources and Scientific Research be pleased to state the steps taken or proposed to be taken by the National Research Development Corporation for the exploitation of the inventions of the National Laboratories regarding:

(i) Ink Development Project.

(ii) Vitamin-C,

(iii) Gelatine,

(iv) Infant and Invalid Foods, and

(v) Orange Juice Concentrates?

The Minister of Natural Resources (Shri K. D. Malaviya): A statement giving the required information is attached. [*See* Appendix XII, annexure No. 35.]

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ALLIANCE BANK (SIMLA)

1070. Shri S. L. Saksena: Will the Minister of Finance be pleased to state:

(a) when the Alliance Bank of Simla went into liquidation;

(b) who took over its liabilities;

(c) what dividends have so far been declared;

(d) when the final dividend is to be declared; and

(e) the reasons why there has been so much delay in declaring this final dividend?

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): (a) The bank went into voluntary liquidation in pursuance of a resolution for winding up passed by it on the 9th May 1923.

(b) So far as Government is aware according to the copy of the resolution passed at the Extra-Ordinary General Meeting of the Alliance Bank of Simla Ltd. held on the 9th May 1923 Messrs. Dugald McKechnie, Charles Earnest Walker, Kenneth Blair Dunlop and Clarence George Ashworth all members of the firm of Messrs. Lovelock and Lewe, Chartered Accountants, Calcutta were appointed liquidators of the bank for the purpose of winding up with joint and several powers. The above named liquidators having retired from India, the following liquidators have been appointed in their place on the dates mentioned against their names:—

(i) Mr. R. Adam Brown	21.2.47
(ii) Mr. A. K. Joscelyne	12.9.49
(iii) Mr. J. S. F. Cibb	"
(iv) Mr. A. M. S. Forgie	"
(v) Mr. J. C. Laing	"

(c) According to the information furnished by the Liquidators of the bank seven dividends have been declared and they have paid in all

@ -/12/10 pies in the rupee in respect of the claims admitted in India amounting to Rs. 7,93,03,179/-.

(d) Liquidators of the bank have informed that a final dividend would be paid after all suits and other outstanding matters had been finally settled.

(e) It has not been possible to pay any further dividend as about 20 suits which were filed before the bank went into liquidation and connected appeals for the recovery of the bank's book debts are stated to be still pending before several courts in Uttar Pradesh.

Vol. IV

26th April, 1955 (Tuesday)

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

(Vol. IV contains Nos. 46—58)

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Dated 10.12.2014

LOK SABHA

Tuesday, 26th April, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part* I)

11-52 A.M.

PAPERS LAID ON THE TABLE

NOTIFICATION UNDER REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY ACT

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I beg to lay on the Table a copy of the Ministry of Works, Housing and Supply Notification No. E II-24. (1)/55, dated the 25th March 1955, under sub-section (3) of section 22 of the Requisitioning and Acquisition of Immovable Property Act, 1952. [*Placed in Library. See* No. S-148/55.]

REPORT ON FIRST GENERAL ELECTIONS IN INDIA

The Minister in the Ministry of Law (Shri Pataskar): I beg to lay on the Table a copy of the Report on the First General Elections in India, 1951-52, Volume I (General). [*Placed in Library. See* No. S-149/55.]

NOTIFICATIONS UNDER SEA CUSTOMS ACT

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy each

of the Ministry of Finance (Revenue Division) Customs Notifications Nos. 16 and 17, dated the 12th February, 1955, under sub-section (4) of section 43 B of the Sea Customs Act, 1878. [*Placed in Library. See* No. S-150/55.]

INSURANCE (AMENDMENT) BILL

The Parliamentary Secretary to the Minister of Finance (Shri B. R. Bhagat): I beg to move:

> "That the Bill further to amend the Insurance Act, 1938, as passed by Rajya Sabha, be taken into consideration."

This is a very small and simple Bill, and the object of it is to amend section 118 of the Insurance Act, 1938, in such a manner as to give powers to the Central Government to make applicable to any insurance business carried on by it such provisions of the Act as are considered desirable. That section as it stands at present completely excludes any insurance business carried on by the Central Government from the purview of the provisions of the Insurance Act, and this leaves no powers whatsoever to the Central Government to make exceptions to the Act even when they may be considered necessary and are in no way in contravention of the spirit underlying the special position accorded to State-conducted insurance business.

To illustrate this point as to how far the rigidity of the present provisions can go, I may point out that section 118 sometimes operates against well-intentioned improvement. I would draw the attention of the House to the position resulting from the non-applicability of the provisions of

[Shri B. R. Bhagat]

section 39 of the Insurance Act to the postal life insurance, on account of the latter being an insurance business carried on by the Central Government. Section 39 of the Insurance Act confers on the policyholder certain special advantages in the matter of nomination of the person to receive policy-moneys in the event of the policyholder's death. Without these provisions, the right of nomination available to the policyholders would be a very limited one, which, if exercised in favour of one's wife or children, would make the nomination once made irrevocable. A nomination under section 39 on the other hand can be revoked or changed by the policyholder at any time before the policy matures for payment, and it is automatically cancelled by a subsequent assignment of the policy or by the death of the nominee in the lifetime of the policyholder, and the right of the policyholder to deal with the policy in any manner as he likes is not affected. These special rights conferred by section 39 are not available to the policyholders of the postal life insurance, because section 39 of the Insurance Act does not apply to postal life insurance, and even if the Central Government wanted to apply these provisions, they cannot do so on account of the present provisions of section 118 of the Insurance Act.

It is with a view to meeting situations of this kind that section 118 is sought to be amended, and I trust that the House will give the amending Bill favourable consideration.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Insurance Act, 1938, as passed by Rajya Sabha, be taken into consideration."

Shri K. K. Basu (Diamond Harbour): Though this Bill is, as has been mentioned by the hon. Parliamentary Secretary, a very short one, yet as a matter of fact it makes an improvement on the existing position, so far as the working of the postal life insurance as affected by the Insurance Act is concerned. But I am not fully conversant with the import of the hon. Parliamentary Secretary's statement. There is also a provision in this Bill by which they want to restrict or make a sort of exception by empowering the Central Government to decide how far the provisions of the Insurance Act should be applicable to the case of postal life insurance.

12 NOON

Sir, one of the cases that has been cited is the extension of the scope of sections 38 and 39 which under the existing system is not applicable to the Postal Life Insurance. It is definitely an improvement and possibly quite a good section and the people might be able to get advantage of the Postal Life Insurance which they are now doing. But, I think the hon. Parliamentary Secretary should have explained at length as to why they want to keep this specific provision ".....except to such extent as the Central Government may by order specify, to any insurance business carried on by the Central Government". It is true that so far as the Postal Insurance is concerned, there are certain restrictions and there are certain special conditions because this Postal Insurance though originally started for the employees of the postal department has been extended only to the government servants of the Centre and the States. But this distinction should have been explained because we feel that there are great advantages of this Postal Life Insurance, which in the present context of affairs in our country should be extended even to the common man.

Though there are private insurance companies, unfortunately, in the last 25 years, so far as the Indian companies are concerned they have extended to a great extent, but even then today in our country there are large areas where there is no scope for insurance. Also in spite of the great expansion of the Indian insurance companies, there are methods of working which are not to our help.

We know, Sir, this agency system, many times in the rural and some urban areas, take advantage of the credulity and goodness of our people and sometimes misguide them. We have seen that in spite of the provisions of the Act and also having an establishment like the Controller of Insurance many big insurance companies had to be closed down or had to be taken over by the administrators appointed by the Government. Therefore, as yet these private insurance companies have not been able to come to that state when we can rely entirely on their capacity to come in and extend the facilities to the common man for going in for insurance. Of course, I understand, in answer to some question the other day, the Finance Minister explained that the position of nationalisation of insurance companies is still being considered by the Government. Therefore, I do not want in this short Bill to go into the length of the merits and demerits or the necessity as such. But, what I feel is that in the present context of affairs, the insurance companies may be able to a great extent to mop up the savings of the common man or the middle class people who may be in a position to save very little. That advantage should be taken by our Government to see that those savings are utilised for our development projects when we are having one Plan after, another for the improvement and economic amelioration of our country. I am fully conscious of the fact that even in the Insurance Act there are limitations as to the mode of investment on which the private insurance companies can go on investing. Even then there is wide scope wherein the companies can utilise those funds on such investments which they think proper. We have also seen reports that in many cases these investments are not proper as a result of which to a large extent the policyholders suffer. We have also known that in spite of the limitations of the extent of expenditure as provided in the Insurance Act, these private insurance companies have exceeded the limit—there are subterfuge methods by which they can do that—that has been allowed under the Insurance Act; otherwise how, when in the last two years, two of the insurance companies at Bombay had to be taken over by the Government and in spite of their being administered by persons appointed by the Government, the administrative costs have gone up?

Therefore, I fell here is an insurance policy where the average premium is much lower. We feel there are still scope for the private insurance companies to reduce their premium, because sometimes we find that some of the insurance companies want to reduce the rates somehow or other under pressure of business or sometimes it is said that the Government also advise them to reduce the premium rates. Here is an insurance department offering insurance policies to government employees at lower rates. The rates are lower because the expenditure ratio is much lower than in the private companies.

We wish, therefore, that the Government take seriously into consideration, till they decide nationalisation of the entire insurance business, that at least they should extend the facilities that these policies offer to the ordinary citizens of India. Thereby the Government, on its own, also will get advantage of the savings of the common people and the income that they may derive by way of premium. When this is offered to the common man they will go in for insurance and the money they may get may very well be utilised in the development projects of our country.

Therefore, I feel Sir, though the Government have promised that they are bringing a comprehensive Bill on the basis of the decision of nationalisation, they should not only limit this amending Bill to the extension of facilities under sections 38 and 39 to the Postal Life Insurance, but they should also go in for further amendment and open the Postal Life Insurance to be subscribed by the common man of the country.

[Shri K. K. Basu]

With these words, I generally support the Bill and I hope the Government will take into consideration this aspect of it and bring in a further amending Bill.

Shri Matthen (Thiruvellah): Sir, I welcome this amending Bill. It is very useful to make these Government owned companies also get the advantage of the insurance companies.

There are some insurance companies started by some States. I know about my State which has got an insurance company doing life business. I think Mysore too has got an insurance company. I do not know how they are working and whether they are working just like other public insurance companies. This Bill only refers to the companies under the control of the Central Government. I want the hon. Minister to look into that aspect. I do not know whether other States have got similar companies. But, I know definitely about these two States.

Then, Sir, I entirely agree with my friend Shri K. K. Basu about the nationalisation of insurance companies. But, I am not suggesting a complete nationalisation of companies because, personally I want the private sector also to work side by side so that it may be an incentive, a sort of encouragement to the public sector. But, it is very very necessary that a State Insurance Corporation should be started on the lines of the State Bank Bill that is now pending before this House. In these days when insurance practically will be the only source of earning not only for government servants but also for other people engaged in other business or industries, it is very very necessary that these should be taken care of and nobody can take better care than the State especially in view of the socialistic pattern we have in view. This is the only saving which the people are leaving for their children and their family. Sir, I know—I do not want to cast any aspersion, but I cannot help saying it—that several of these companies have not been doing their business honestly. After all, insurance companies are not like banks. In banks there is always the liability of deposits which is a Damocles' sword hanging on the head of the bank manager. In fact in insurance companies, their funds are accumulating as premiums come in just like a snowball growing in size. After all, the capital involved in the starting of a company is very very little when compared to the amount of funds that will come in the hands of the managing agents. Even though managing agency has been abolished in insurance companies, they are still having *de facto* managing agency and are using large funds for their own purposes. They are exploiting public money. Therefore, what I would suggest is that we should start a State Insurance Corporation. As I said when I was talking on the Finance Bill, it should have been done before the State Bank Bill was introduced. Because these days when we are needing funds very badly for our development schemes or the Five Year Plan, when the Finance Ministry is straining every nerve to find out funds and is resorting even to deficit financing, there is a pretty good bit of funds available with the insurance companies, which, I am sure, even the people who insure will be happy to be utilised by the Government for development purposes. I very earnestly suggest to the Finance Minister to take up this question. I am not for a complete abolition of the private insurance companies. But, I would like to set up a first class State Insurance Corporation working on real commercial principles—not like the Government departments; they must canvas, get policies and, especially in view of the fact that we are trying to have rural development schemes, our new rural branches can help them. The new State Bank can have more use of the funds collected if we popularise the scheme and collect funds from the people who want to insure. Therefore, I once again say that a State

Insurance Corporation should be started.

Shri B. R. Bhagat: I am very grateful to the two hon. Members who have generally supported the Bill. Before I come to the specific points made by Mr. Basu, I would refer to one or two general points that have been made, which are not particularly relevant to this amending measure.

Mr. Basu referred to the private insurance companies and the way they are working and the absues that have crept in and also for the need of mopping up the savings available for development purposes. The different measures taken by the Government during last few years have the same object in view, that is, diverting the reserves and the savings for development purposes. There is no difference in the object. But, I think, this is not the time and the occasion to go into the question of how the private insurance companies should invest their funds. So, I will leave this point at this stage.

Shri Matthen: But, if the company is taken over by Government for mismanagement?

Mr. Speaker: That question does not arise.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): The managements of several insurance companies have already been taken over by Government.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri B. R. Bhagat: As regards the point made by the hon. Member who spoke next that there are some State insurance companies run by the State Government, I have nothing much to enlighten him on that except that this question is being examined as to how far it is legal or constitutional for State Govts. to run insurance companies. Some doubts have arisen about the propriety or constitutional power of the State Governments to run insurance companies and the whole question is at present under examination at the proper level and before long some decision will be arrived at.

Mr. Basu first raised the point regarding the extension of the facilities of postal insurance to the common citizen. It is quite a good object. But the administrative difficulties in the way of extending it to the public are enormous. As he himself has said, the lower administrative cost in the Postal Life Insurance is one of the advantages of this and that is why it is getting popular. The difficulty would be, if it is extended, even if it is administratively possible, the administrative cost will immediately go up.

Shri K. K. Basu: If you can run the Postal Department, you can very well extend this.

Shri B. R. Bhagat: Just now all the collections are made without any extra charge because the premia are deducted from the salaries at source and no separate staff is kept for this purpose. If you extend it to the entire public, then, you will have to have a separate Department and more staff. The administrative cost will go up, and the greater difficulty will be how to collect the premia from the public. Just now you deduct it at source from the salaries of government servants but how can you do it in the case of the general public? These are some of the difficulties.

Shri Matthen: How are the other companies getting their premia?

Shri B. R. Bhagat: The facility has already been extended. There is a tendency to extend these facilities more and more and, recently, it has been decided to extend the scope to employees of industrial and commercial undertakings sponsored by Government. So, whatever is possible, is being done to extend the facilities. But, I must confess that extending to the entire public the facilities which are in the nature of amenities provided to the government servants is not possible at this stage.

The other point that was made was about the setting up of a State Insu-

[Shri B. R. Bhagat]

rance Corporation. I think that is too large a point to be covered by this small amending Bill and I can only say that the Planning Commission in its report has suggested that there should be more and more State participation in the insurance business. The bigger question of nationalisation or the starting of a State Insurance Corporation is not very relevent at this stage.

This is all I have to say.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Insurance Act, 1938, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Clauses 1 and 2

Mr. Deputy-Speaker: There are no amendments to any of the clauses.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri B. R. Bhagat: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

RESERVE BANK OF INDIA (AMENDMENT) BILL

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to move:

> "That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

For the last few days, I have been speaking before this House on more or less the same subject, rural credit, starting from last Friday on a non-official resolution on that matter. This Bill is just another step in the implementation of the recommendation of the Rural Credit Survey. The House knows the importance of this survey and the importance and far-reaching effects of the recommendations made by this Committee. I think, it can be said that this is the first report of its kind, surely for India and, perhaps, for most other undeveloped countries. There was never such a big undertaking to make a comprehensive survey of the entire agricultural or rural credit system. The Committee has used a certain phrase and this House has also endorsed these words—'integrated solution of the rural credit problem. During the debate on the State Bank of India Bill, Members expressed their anxiety that that Bill alone might not be quite sufficient to meet the requirements. I myself made it clear that that Bill was just intended to lay the foundations of the rural credit structure and other measures are to follow. This is one of the measures. I have also indicated that the Food and Agriculture Ministry will come forward with another measure. This Bill may be called just a sort of enabling measure to be followed by the Food and Agriculture Ministry's Bill to be introduced in this House.

This Bill authorises the Reserve Bank to advance some money to certain organisations and institutions which will be set up by the Food and Agriculture Ministry. Recently, in Delhi, there was a conference of the State Ministers connected with the co-operative movement. They have unanimously accepted the recommendations of the Rural Credit Survey concerning the development of the co-operative movement. The Central Board of the Reserve Bank also has approved those recommendations and the Reserve Bank is quite willing to implement the recommendations and take the necessary responsibility.

It may not be quite out of place here to mention what the Reserve Bank for the last few years has been trying to do about rural credit. When the Reserve Bank of India Bill was discussed in the Central legislature of those days, you must have been

aware of the sentiments expressed by the nationalist Members regarding the functions of the Reserve Bank of India. It was primarily on the insistence of the nationalist Members, Congress Members of those days, that a provision was made in section 55(1) that the Reserve Bank would undertake an enquiry into the rural credit conditions and make a report to the Central Government on the improvement of the machinery for dealing with agricultural finance and the methods of effecting a closer connection between agricultural enterprises and the operations of the Bank.

According to this provision of the Reserve Bank of India Act, a report was submitted in 1937. But, I think the report was somewhat of a halting nature. It put certain conditions before the Reserve Bank could undertake the responsibility of doing something in agricultural finance. By about that time, the President of the Indian National Congress set up the National Planning Committee which also considered the question and its report was more positive and it suggested some definite steps. It said, to wait till the co-operative movement had re-organised itself through its own efforts would be to wait too long. After a few years, the Reserve Bank started giving some money for some agricultural credit. The Reserve Bank has also been maintaining an Agricultural Credit department to examine the question concurrently. I would not claim that the money that was being advanced by the Reserve Bank was adequate to the requirements. But, it should be appreciated how the Reserve Bank could make progress in this respect. I think hon. Members would also realise that till the achievement of Independence, it was futile to expect the Reserve Bank or any machinery of the Government to take seriously any nation-developing programme. Till 1947 it was rather not quite realistic to expect the Reserve Bank to be very much effective and alert in this matter. Still it made some beginning in 1944-45. It started giving some credit to the co-operatives and a beginning was made with a paltry sum of Rs. 1,25,000. But, the progress has been more rapid since 1947 or since 1948. Last year, the amount given was Rs. 15 crores. As I said on the previous occasion, this amount was not limited by any particular policy of the Reserve Bank or due to any paucity of funds. It was limited only by the capacity of the co-operative structure in the different States to draw the money.

Much has been said during these two or three days about the poor condition of the co-operative structure in our country. It is no use recapitulating these things here. But, I can only say that the Government and the Reserve Bank have not lost their faith in the efficacy of the co-operative movement in this direction. Rather I feel that the co-operative is the only organisation through which the problem of rural credit can be effectively solved. That is why in the last 2 or 3 years, the Reserve Bank has been paying some special attention to the development of the co-operative organisation.

As the House very well knows, co-operative organisation is a State subject. Technically speaking, the Reserve Bank has not got any authority over the co-operative movement. But, it should be said here that almost all the State co-operative organisations have agreed to work under certain directions of the Reserve Bank. They had voluntarily agreed to submit themselves to the inspection by certain inspectors of the Reserve Bank. The Reserve Bank have been issuing directives and instructions to the co-operatives and I can say that the co-operatives have done everything to implement those instructions and directives, of course, subject to their capacity to implement these things. The Reserve Bank has also started some school for training the personnel to man the co-operative organisation and in that respect also, the co-operative institutions of the different States have been co-operating with the Reserve Bank.

[Shri A. C. Guha.]

It has been the accepted policy of the Government that any agricultural credit or rural credit has to be given through the co-operative organisation and this Bill is just an enabling Bill to do that.

The first thing is the definition of a co-operative credit society. By this definition—hon. Members may refer to the relevant section—the scope of operation for the Reserve Bank in giving loans and advancing money will be widened. Certain categories, like marketing and other things, which were not covered previously would now come under the scope of the operation of the Reserve Bank for allowing accommodation.

The main purpose of this Bill is to authorise the Reserve Bank to set up two Funds, the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund. The Rural Credit Survey recommended that the long term operation Fund should be started with an initial grant of Rs. 5 crores. The Central Government and the Reserve Bank have agreed to increase the initial amount from Rs. 5 crores to Rs. 10 crores. There will also be an annual recurring grant of not less than Rs. 5 crores to this Fund from the Reserve Bank. The main purpose of this Fund will be for making loans and advances to State Governments for subscribing directly or indirectly to the share capital of co-operative institutions which give short, medium or long term credit either in the sphere of agricultural activities or rural industries. As I said in the course of the discussion on the State Bank of India Bill, there would be State participation in the co-operative organisations. That means, the State Governments will subscribe to the share capital of the apex co-operative banks and the apex co-operative banks will subscribe to the share capital of the central banks. Similarly, the central banks will subscribe to the share capital of the primary co-operative banks. As regards long-term loans, the State Government will also give long-term loans, and advances to land mortgage banks.

The second Fund, the Stabilisation Fund, is exclusively for making medium-term loans and advances to State co-operative banks to enable them to convert short-term credit into medium-term credit, whenever necessary. Our experience has been that due to some natural calamities, like flood, drought or anything like that, the co-operative banks may not always be in a position to collect the money they might have lent out to the primary agriculturists—the loanees. In those contingencies, quite a number of co-operative banks have gone into liquidation. For such contingencies, this Bill provides that the short-term loan might be converted into medium-term loan so that the co-operatives may not have the obligation to realise the money within 15 months as provided in the case of short-term loans. There will be only some book adjustment transferring the short-term credit to medium credit. Thus, we feel, the co-operative organisations will be saved from one difficult position which frequently occurs in this country due to natural calamities. The Reserve Bank will give Rs. 1 crore annually to this Fund.

I should mention here that these sums, Rs. 5 crores for the Long Term Operation Fund and Rs. 1 crore for the Stabilisation Fund, are the minimum which the Reserve Bank will contribute. If there is any necessity, the Reserve Bank will increase the Funds, but at present we feel that these will meet the requirements, and it is no use locking up additional money in a particular Fund, even if there may not be any demand or necessity for it.

Another provision in this Bill is to remove, what I should say, one of the last traces of our foreign domination. In the Reserve Bank Act, there is a provision to have an office in London. That is an obligatory provision. We are now removing that provision. It may be necessary for the Reserve Bank to have an office in London, but that will be examined, if found necessary it will do so. But at present, under the provisions of this Act, it is obligatory on the part of the Reserve Bank to maintain an office in London. Sometime ago there was a question in this House on this matter, though, I think the questioner could not catch the real implication of this provision. But we, on our part took up the matter and have since then decided to remove this obligatory provision. If the Reserve Bank finds it necessary to maintain an office in London, it will maintain one; if not, it will abolish that office.

I think there is hardly any controversial matter in this Bill and even though my hon. friend, Pandit Thakur Das Bhargava, yesterday accused me of being too much optimistic—and he also recollected some words which Shri Gadgil uttered on the passing of the Damodar Valley Corporation Bill —I still feel that the measures that we are going to take will really usher in a very good prospect for our rural areas. I still feel quite optimistic about the results of this Bill, and I can also say as regards the rosy picture which Shri Gadgil painted about the D.V.C. that Pandit Thakur Das Bhargava lives in Punjab but those who live in Bengal can surely say that we are still hopeful that the D.V.C., when completed, will give some new life to the Bengal villages and will add to the economic prosperity of that State, and I hope that these measures which we are introducing for the implementation of the Rural Credit Survey Report to reorientate our entire agricultural and rural credit will surely mean quite happy days, and richer life for the rural areas, and I still reiterate the words, that health and plenty will cheer up lives of our toiling masses and the rural areas.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration".

Shri Raghavachari (Penukonda): I rise to voice my appreciation of the purpose behind this Bill.

Last time when the Reserve Bank of India Bill came before this House to provide for some kind of financial aid to co-operative societies, the occation was utilised to express the views that the amount that they were providing was very small and almost a drop in the ocean and was not likely to satisfy the real demand or needs of the country. Now, they have brought this Bill in the same direction certainly to make up that inadequacy by now providing a little more funds. But before going into the merits of the thing, I would submit one matter. The Report of the Committee was not placed before the House. The Government come with measures incorporating the recommendations. Even in his opening speech, the Minister was pleased to say that the Report wanted only Rs. 5 crores to be the initial contribution. They have made it into ten—that is double. But my purpose is this. I do not wish to enter into a discussion about the condition of co-operative movement in the country. I have been fairly intimately connected with the co-operative movement and yet I find it is a debatable matter; certainly the present conditions are not very hopeful. Yet, the future of the country must necessarily depend upon the co-operative movement only. Democracy can never succeed unless the principle of co-operation is really applied to everyday life. These are matters for which we have to work. The movement as it is, is not serving entirely the purpose of the poor agricultural producer. What we actually find is this. In the old undeveloped economic conditions, money economy had been

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forced upon the agricultural producer and almost every article was drawn to be exported in a raw state to foreign countries. Though there has been just a little less of it now, still the fact remains that much of the produce from the villages is being sent to outside centres where they are being utilised. Instead of the foreign manufacturer taking away the entire products, the urban population and the industrial manufacturer has actually taken his place and the poor agriculturist has still to find a market only in the urban areas. In this state of affairs, the agriculturist has invariably to part with his goods at a time when there is a glut in the market. There is no money and the poor agriculturist's economic dependence is such that he must necessarily find the money. The old bartering is gone and money is the medium. So, he is compelled to bring his goods and sell it in the urban market at a time when things are cheap; and the condition is worse today because of the falling agricultural prices. Therefore, the only means that could possibly help him would be to supplant the village or urban money-lender-cum-trader. Unless this is done, the poor man is entirely in the hands of this money-lender-cum-trader who lends the money in times of need, mostly for short term purposes to be the later purchaser of the agricultural products, or a commission agent etc. This system must be replaced by another institution. That is where the co-operative movement is intended to serve him. There are many loan and sales societies of this movement and there are many other activities. We find that many of these people in charge of these co-operative societies are quite often people who are directly interested in the manufacturing processes in the urban areas. Added to this is another factor that the village leaders have some political influences also. The poor agriculturist in these circumstances is entirely without any real help from these co-operative institutions. Those people who are in charge of these co-operative institutions happen to be people of some influence in the locality and connected with political influences in the outside area. The result is that due to the self-interset of being a trading or purchasing agency or a commission agent, the movement has entirely failed to be of any real service. Under these circumstances, it is very essential that there must at least be plenty of funds available for the co-operative central organisations away from the villages. They are not so bad. There is some use coming out of these central banks and other organisations. They were actually suffering from want of funds. The deposit period being a maximum of three years, no bank could afford to lend out for more than three years. Therefore, there was always trouble in the way of long term loans and they were compelled to confine themselves to short term loans only. At least now, the Reserve Bank is undertaking this responsibility of co-partnership and my only point is that the fund that is provided is throughly insufficient. I feel that it must be increased by at least double the proposals that are made in the Bill.

In the case of the scarcity areas or those suffering from drought conditions some special provision is made for converting the short-term loans into long-term loans on such occasions of misfortune. Coming from a part of the country where this is not really an unseen misfortune I know the difficulties. We are bound to have this sort of misfortune every third year or the fourth year. There will be famine conditions or near famine conditions in other years. Therefore, in these districts, this has been a terrible problem for us when the co-operative societies insisted upon the payment of overdues when the agriculturists had nothing to pay. Invariably they used to resort to all kinds of expediencies and the co-operative central banks and other banks used to give them some relief, they used to extend time for payment by a year and

the poor agriculturists hoped that better seasonal conditions would enable him to repay. This thing is really a great advantage. But the problem in these scarcity conditions and troubled areas is not so small. The sum of one crore which you are going to provide every year is likely to serve only a part of it. Therefore, it is absolutely necessary both on the other fund for providing long term mortgage bonds and share capital and on this fund for draught condition, to increase the provision into a larger volume than what is now provided.

The hon. Minister was pleased to say that according to the needs they were even prepared to increase the contributions and that in the previous year they had given Rs. 15 crores and the capacity of the co-operative movement was such that it could not take advantage of even Rs. 15 crores. It is most unfortunate that the structure of an institution namely co-operation which must serve the country and where hundreds of crores of rupees credit is really needed was such that it could not utilise even this. At least they must now come forward to make a bigger amount available so that it may not any more be necessary for these people to suffer.

I have one more point with regard to the mortgage banks. They generally issue loans repayable in several years and they are mostly long term loans. The property that will be available for security is the immovable property. When the immovable property and all his future is subjected to these unfortunate visitations of famines every second or third year, it is essential that you must make a greater provision of funds for mortgage Banks.

I was surprised to find powers in this proposed proviso to clause 46(b): 'Provided further that the Central Government may, if the circumstances so require, authorise the Bank to increase or reduce' it is well and good.

I am perfectly aware that powers are meant for a contingency and are not necessarily to be exercised. The Minister may immediately say so. But I feel that in this country nothing should arise which really calls upon the Government to reduce anything.

I shall not take any more time of the House. I welcome the Bill and say that the provision you have made is very, very inadequate. This matter would have been very well impressed upon the Government's mind if only the report to which I referred earlier had been the subject matter of discussion on the floor of this House; then the House would have certainly advanced all arguments from all sides of the House that what was required was something much more than what is now provided. At least it should be twice or thrice the amount, to begin with.

Mr. Deputy-Speaker: I find that for all stages of the Bill, 30 minutes have been allotted by the Business Advisory Committee.

Shri K. K. Basu (Diamond Harbour): They have not properly advised us.

Pandit Thakur Das Bhargava (Gurgaon): I think it is 20 hours, including the State Bank Bill.

Mr. Deputy-Speaker: Yes, 20 hours including that Bill, with a specific direction that this Bill must be disposed of in half an hour.

Pandit Thakur Das Bhargava: Speeches will have to be very short.

Shri S. S. More (Sholapur): We have got some concrete suggestions to make. There is no such thing like flourish here.

Shri Matthen (Thiruvellah): Is it desirable to dispose of such an important Bill, dealing with the rural population of India, in half an hour?

Shri Raghavachari: From Bulletin No, I, I find that the State Bank of

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India Bill and the Reserve Bank of India (Amendment) Bill are combined and the total time for both is 20 hours. It will be open to you, therefore, to allot more time, or the House can take a little more time without encroaching upon the other Bills.

Pandit Thakur Das Bhargava: We will be encroaching upon the time available for the State Bank of India Bill. It is equally important. We shall finish this Bill as soon as possible, but at least speeches should be made for at least four or five minutes. That amount of time is necessary for each. There are also amendments tabled.

Shri S. S. More: I have personal experience of the working of co-operative societies, and this is the time when we can make suggestions. Otherwise, the Bill will become a statute soon and our grievances will still remain. I do not know what led the Business Advisory Committee—I am not speaking in a critical vein—to say that half an hour will be enough for this Bill.

Mr. Deputy-Speaker: Whatever time is taken for this Bill will be automatically taken away from the available time for the State Bank of India Bill on the aggregate. The main purpose of both the Bills is rural credit, but I will only appeal to hon. Members to see that the hon. Members who take part in this Bill are such as have not taken part in the State Bank of India Bill. To speak both on that Bill and on this Bill—for the same Member to speak—will not be possible.

Pandit Thakur Das Bhargava: This is also a very important Bill.

Shri K. K. Basu: But they are overlapping.

Shri S. S. More: A mere rule of thumb will not be enough to do justice to the subject.

Mr. Deputy-Speaker: Five minutes for each Member can be allowed.

Shri A. C. Guha: Out of the 20 hours, 12 hours have already been used up on the State Bank of India Bill. I think there are about 180 amendments to that Bill.

Mr. Deputy-Speaker: More are coming in.

Shri A. C. Guha: Yes. It is for you to decide how much time you will allot for this Bill and how much for the State Bank of India Bill—second and third reading stages.

Mr. Deputy-Speaker: I have no right to decide anything. It is for hon. Members here to decide. It has already been decided by the Business Advisory Committee that 20 hours for both the Bills will be sufficient. Well, shall we have two hours for this Bill?

Pandit Thakur Das Bhargava: One hour will do. There is only one small amendment, really.

Shri A. C. Guha: The amendments are all the same. They are of the same nature. I think one reply would suffice on my part, for all the amendments given to the Bill.

Mr. Deputy-Speaker: So, if we have two hours for this Bill, then six hours out of the total 20 hours would be left.

Shri K. K. Basu: If we finish this sooner, we may proceed to the next stage.

Mr. Deputy-Speaker: So, we started this Bill at 12.18, or rather, say, 12.20. We will have two hours—12.20 to 2.20.

Shri Matthen: What is the time allotted? There are also amendments to clauses.

Mr. Deputy-Speaker: The consideration stage may be disposed of before 1.30 and the clauses will then be taken up, and proceeded with till say,

2 O'clock. Then 20 minutes remain for the third reading. Well, five minutes for each Member.

Shri S. S. More: Firstly, this definition of the co-operative credit society will require some explanation. I may bring to the notice of the hon. Minister that here the definition says:

> "'co-operative credit society' means a society registered or deemed to be registered under the Co-operative Societies Act, 1912 or any other law relating to co-operative societies for the time being in force in any part of the territories to which this Act extends, the primary object of which is to provide financial accommodation to its members and includes a co-operative land mortgage bank."

My objection to this definition is that it makes the provision of financial accommodation, the primary object of the Bill. The reference is pertinently to the credit societies. In Bombay State credit societies are developed into multi-purpose societies. Financial accommodation is not their primary purpose. Instead of giving credit alone, they do so many other things which are very useful from the point of view of the agriculturist's convenience. Therefore, if this definition is retained as it is, then all these multi-purpose societies will be ruled out.

Shri Raghavachari: They can go to the Central Banks.

Shri S. S. More: That is the suggestion given by Shri Raghavachari. The financial accommodation available from this fund will be as per the definition given here. I speak subject to correction. If the primary object of this Bill is financial accommodation, and if that is retained here, then the multi-purpose societies will be at a disadvantage. If the Minister has said: "Well, Shri More's fears are misplaced," I shall be very, very happy. It is well and good that this measure has been brought forward by the Government. I want to make a suggestion that the amount available for the purposes mentioned in this measure should be increased, and to that extent, I do support the amendments which have been tabled by my friend Pandit Thakur Das Bhargava.

But there are some points which will have to be clarified. The credit societies in this country have a history of more than 60 years. They are as old as the Congress. A Britisher started the co-operative experiment but emphasised the credit aspect with the result that it did not succeed. The agricultural economy being a deficit economy, and the man being illiterate and ignorant, he takes loan from the co-operative bank and puts it into a losing concern and has no surplus to return the money. Therefore, the whole credit system came into discredit. For the purpose of building up credit, I have always been emphasising that you must create a sort of surplus economy for the peasant. The margin between the cost of production and the return that he gets must be sufficiently fat so as to give him some blood from the deficiency of which he suffers now. In that case alone he can return the amount borrowed.

I was one of the directors of the Land Mortgage Bank for the Poona District during the depression years that followed after the depression of 1929. The land mortgage bank was always advancing money. There was an overflowing and persistent demand from the peasantry for loans but as far as the recoveries were concerned, not a chunk was possible to be got back to the bank with the result that the bank also came to grief. Therefore, there is no use yearly providing amounts for the purpose of advancing credit. The Government also must take other relevent and necessary steps to build up the agricultural economy in a healthy and vigorous manner so that the agriculturists shall be in a position to return the loan credit or financial accommodation

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given to him. I know this is one of the links in the chain which Government propose to hold for the purpose of basing our agricultural economy on a surer foundation.

1 P.M.

There is also one more point which Government will have to take into consideration. It is no use giving credit merely—of course, that is a necessary part—but Government also must on occasions be ready to share in the losses from which the peasant suffers. Whenever he produces in abundance, the prices fall down, and we purchase the produce practically for nothing. Thus when there is profuse crop he loses. When there is scarcity, the prices go up, and we start shouting at the rise in prices. So, when the man suffers, and the return for the produce is not sufficient to cover the cost of production, I think Government will have to devise some machinery by which they shall be able to share in the losses. It is no use only starting a partnership in the credit agencies, but Government will also have to take steps to see whether there are any legitimate losses, mostly due to the economic policy of Government, and if the losses are ascertainable, then Government must also come out with its own quota to relieve the suffering peasant. At present our peasantry is, without any grumble, suffering all the losses.

Let us distribute the losses all over the country. If we distribute the losses suffered by our peasantry on a *per capita* basis all over the country, the losses that we shall have to make good will not be to any large extent, and the peasant will also feel that he is doing good to the country, and that his losses are insured by the country and thus made good.

With these suggestions, I say that the amounts that have been allotted should be raised, because they will not be sufficient, as we have frequently stated, even to touch the fringe of the immense problem with which we are faced.

Shri N. B. Chowdhury (Ghatal): We support the Bill as far as it goes. Although the object is quite welcome, yet from its content, it is clear that the moneys provided for are far too inadequate to meet the credit requirements of our country.

This Bill is intended to enable the Reserve Bank to reorganise the co-operative societies. That is its main purpose. For this reorganisation it is not sufficient to have merely the State partnership as recommended by the Rural Credit Survey Committee. In addition to this State partnership there should be reorganisation of the administrative set-up itself. Unless the administrative machinery is improved and purified, we do not think much will come out of this.

It has been stated in the report on the rural credit survey that some of the officials are in league with the local moneylenders and other influential persons who dominate over the societies. They have stated:

> "Acting in concert with these, the subordinate official, whose functions take him to the village, creates for the benefit of the superior officers what might be called the illusion of implementation woven round the reality of non-compliance."

So, it is clear that there is no correct report regarding the functioning of the co-operative societies. The Committee have also stated how the moneylenders and traders in the village also have a dominant voice in these co-operative societies. We find from the report:

> "...and it is usual for these to have connections which link them not only to the sources of finance but to the seats of administrative power".

That creates further difficulties. So, when Government are going to reorganise the co-operative societies

they have to see that not only State partnership is effected at all levels but also that the administrative machinery is purified and improved.

Ours is a vast country with about 5 lakhs of villages. Although there are already about 2 lakhs of co-operative societies in existence, if Government are very serious about this measure then they should see that there is a larger number of co-operative societies in this country. So, in order to reorganise these societies, and also to organise new societies, it is necessary to have a larger provision of money.

In this Bill we find only the creation of two funds—the National Agricultural Credit (Long Term Operations) Fund, and the National Agricultural Credit (Stabilisation) Fund. It has already been pointed out that the sums provided are very inadequate, for the first Fund, an initial sum of Rs. 10 crores would be provided, and then they will provide annually Rs. 3 crores. but even that may be reduced if any necessity arises. So from this it seems that the hon. Minister's enthusiasm or optimism about the results that will flow from these measures is not at all justified.

With regard to the Stabilisation Fund, I would submit that this is very necessary because of the frequent occurrence of famines in some parts of the country during the last three or four years. In spite of the increase in production, every year we get reports of scarcity conditions or famine conditions from a number of States. So it is very necessary to have this Stabilisation Fund augmented. It has been suggested by the Rural Credit Survey Committee that there should be a Stabilisation Fund in the local co-operative banks at the State level and at other levels also, and that the co-operatives also should have their own Stabilisation Funds. In view of drought, famine and other natural calamities, it is very necessary that this Stabilisation Fund should be created at different places, and for that Government help is necessary. So, the amount credited to the Stabilisation Fund has to be increased.

In fact this question is not a new one. It was raised seriously even when the Reserve Bank Bill was discussed in 1933, when men like Shri Sitaram Raju and others had raised this question. Although there was provision under section 54 of the Act for expert staff for the study of this important question of agricultural credit and for making their services available to the State co-operative banks and other co-operative organisation, yet we know that not sufficient progress has been made in the past. If Government are serious about this, then it is very necessary that there should be a larger provision.

With regard to the amendment of section 8 of the Act as contemplated by clause 4 of this Bill, which makes provision for having three Deputy Governors, instead of two, I have only to say this much that if at all they think it is necessary to have three Deputy Governors instead of two in view of the large number of co-operative societies which will have to be re-organised or the large number of new co-operative societies which have to be brought into existence, then it is necessary to rationalise the pay structure of the high officials of the Reserve Bank. You know that in some cases these officials draw salaries which are even higher than those of the Heads of some of the States. Particularly in view of the declaration of the socialistic pattern in this country, I expect Government to ask these high officials also to make some sacrifice for the welfare of our people and for the rapid development of our country.

My next point is with regard to the period for which such loans would be made available. It is all right that Government would make loans available to the State Government through the Reserve Bank for a period of 20 years and to other organisations like the State co-operative banks for a

[Shri N. B. Chowdhury]

period of 15 months to 5 years. But what we find is that in the case of local primary societies and local central co-operative banks, sufficient time is not given to the primary members of the co-operative societies to pay off the loans, because although there is provision for repayment within a period up to 15 months, sometimes even after five or six months they are asked to pay off the loan. It has been my experience in connection with the loans that were made available by the Reserve Bank to the co-operative banks that in the case of the Ghatal Central Co-operative Bank in the district of Midnapore in West Bengal, in spite of drought and famine conditions there and in spite of the fact that the primary members were in very great difficulties, they were asked to pay off their dues, because otherwise the co-operative bank would not be in a position to get further moneys for giving loans for the next year. In such cases in order to establish their own Stabilisation Funds, it is very necessary that Government should give them loans for this specific purpose also.

Then, it has been stated by the hon. Member Shri S. S. More, that in order to reorganise these co-operatives it is necessary to see that they do such functions also as are necessary in the interests of the agriculturists for getting better prices. The question of costs of production and adequate price has been raised here several times. Therefore, in order to see that the aigrculturists get reasonable price, the minimum economic price, it is necessary to extend the warehousing facilities to as many places as possible and for that purpose co-operative marketing societies also should be brought into existence. Unless that is done along with the credit co-operative societies it would not be possible to save these people from the grip of the money-lenders about whom one or two Ministers themselves have said that they have made many people 'bond slaves' and 'chain slaves'. If you are really serious about this measure and if you want to save the people from the morass of usurious interest, from their state of slavery and bondage, then it is necessary that Government should find out more money and make larger provisions so far as these two things are concerned.

Shri Seshagiri Rao (Nandyal): Sir, I welcome this measure as this is the second step in implementing the recommendations of the Committee on Rural Credit Survey. I do not want to go into the details of this Bill because they are of a non-controversial nature and all these are intended to reorganise co-operative societies.

One point that I would like to make is this. If we want to reorganise co-operative societies we have to do so on the basis of previous experience that we have had. I am very glad to learn that our Minister is not going to lose faith in the co-operative societies. None of the criticisms that have been levelled on the floor of this House are meant to shake his faith. But, on the other hand we want that co-operative societies should be reorganised in the way in which they ought to. What was the mistake or defect in the co-operative societies previously? They were under-financed and over administered. Now, to rectify that defect, enough of finance has been made available by the Reserve Bank and by the present legislation. Now, as my friend Shri Raghavachari has stated, these amounts are hardly adequate and more funds have to be made available.

The second point why the co-operative societies have failed before is that in the rural areas, absolutely the money-lender or the lender of the village was all in all. Here the Report of the Rural Credit Survey says in a graphical way how the money-lender was all in all:

> "This is less and less strong and more and more implicit and impersonal at the higher levels, but stronger and more explicit at the lower stages. When local Co-operation gets into the charge of

the village money-lender, and more especially the landlord-*cum*-money-lender, he becomes the society, the depositor and the borrower, all of them together or each in turn, with the ease with which the one Godhead becomes Brahma, Vishnu and Shiva—Creator, Preserver and Destroyer."

So, because the co-operative societies have gone into the hands of the only leader, the village *patel* or any other important man of the village, he becomes all in all and the poor agriculturist was not getting any kind of benefit. These co-operative societies have to be so reorganised that the poorest man or the lowest man should get the maximum benefit.

Another point which I would like to say is this. The Reserve Bank must not only make funds available but also should go a step further and see that they have been put to the proper use. The 'principal recommendations' in Chapter IX on page 23 of the Report says:

"The operations of these Funds and the planning and execution (within the Reserve Bank's own sphere) of the programmes and policies for which they are intended to be utilised should remain the responsibility of the Reserve Bank and its Board in their normal functioning, and should not be vested in a separate body, statutory or other."

So, if you are making all these funds available to the co-operative societies are you going to see by any effective machinery that those funds are utilised in the way they ought to or is there any other link or co-ordination between these things. I heard the Finance Minister saying just now that co-operative societies come under the State List and much cannot be done except to give directions. I doubt whether these directions that will be sent from the Reserve Bank will be followed there and if they are not followed the very purpose for which these funds are made available will be defeated and they will be worth nothing. So, in order to see that what we have intended is given eqect to, we have intended is given effect to, invent a procedure to see that the amounts are utilised for the very purpose for which they are intended.

पंडित ठाकुर दास भार्गव : डिप्टी स्पीकर साहब, गुहा साहब ने कल जो मैं ने इसके बारे में अर्ज किया, उसको ग़लत समझा और दरअसल मेरे कहने का मंशा यह नहीं था कि गुहा साहब का जो यह सारा जोश-ख़रोश है, वह सारे का सारा असली नहीं है । असलियत यह है कि इस मामले को जिस तरह से मैं ने एक छोटी सी किताब है उसको पढ़ा है और जिस तरह से समझा है, शायद हमारे गुहा साहब ने उसको उस तरह से नहीं समझा है । मेरे दिमाग़ में यह चीज आई है कि रिज़र्व बैंक ने जो स्टेप लिया है, दुनिया में किसी रिज़र्व बैंक ने ऐसा स्टेप नहीं लिया । यह निहायत आला दर्जे की नेकनीयती से लिया है और वह यह चाहते हैं कि जितनी हमारी रूरल हालत है, उसको हम सारी को रेवलूशनलाइज कर दें और तबदील कर दें और मैं यह समझता हूं कि उनकी यह मंशा है कि वह शख्स जिसको कि पहले किसी तरह की इमदाद नहीं थी, वह जमीन का मालिक नहीं था, वह ज़मीन से पैदावार तो करता था लेकिन उसकी हालत यह थी कि हमेशा क़र्ज में डूबा रहता था, उसको चाहते हैं कि वह जो अंडरडौग है वह सरफ़ेस पर आये और उसको फ़ायदा हो, अगर यह बात दुरुस्त है तो मैं अदब से पूछता हूं कि जिस आदमी की आज ढाई आने आमदनी है वह बेचारा ग़रीब कितने अर्से में आपका क़र्जा पूरा करेगा और वह क़र्जे के भार से कैसे बाहर निकलेगा ? यह इसी तरह से हो सकता है जब कि उसके साथ वह सलूक न हो जो अब तक कोआपरेटिव बैंक उसके साथ करते चले आये हैं । मेरे ज़िले में मुझ को

[पंडित ठाकुर दास भार्गव]

मालूम है जिस पंजाब का यह ज़िक्र करते हैं और कहते हैं कि पंजाब बड़ा मालदार है, तो मैं उनको बतलाऊं कि मैं पंजाब के ज़िले हिसार से आता हूं और जो ज़िला हिसार देश भर में कहत के वास्ते सब से ज्यादा मशहूर है, उसकी दो चीज़ें बहुत मशहूर हैं, एक कहत, और दूसरे मवेशी । क़हत का यह हाल है कि आप रेकार्डस मुलाहिज़ा फरमायें तो देखेंगे कि करोड़ों रुपये पुरानी सरकार ने भी खर्च कर दिये लेकिन कुछ नहीं बना । वहां होता यह है कि कोआपरेटिव बैंकों के बड़े बड़े अफसर लोगों से क़र्ज़ा वसूल करने के वास्ते बैंत लगाते हैं और ऐसे मौक़े आये हैं जब कोआपरेटिव वालो ने पुलिस का काम वहां पर किया है । क़हत जब वहां पड़ता है तो मुझे तो तजुर्बा हासिल है कि वहां पर क्या हालत होती है, मैं उस हालत को जानता हूं, शायद गुहा साहब को उसका तजुर्बा न हो, लेकिन मुझ को है और मैं उनको बतलाऊं कि क़हत के ज़माने में हालत इतनी बदतर हो जाती है कि ३०० एकड़ ज़मीन रखने वाले मालिक को ६ पैसे रोज़ के वास्ते क़हत के कामों पर जाना पड़ता है और काम पर उसको दस, दस और बारह, बारह मील रोज़ चलना पड़ता है । मैं उन लोगों की हालत बखूबी जानता हूं और मुझे मालम है कि इनको मदद करने और उबारने का काम जो हमारे गुहा साहब न अपने हाथ में लिया है वह कितना मुहीब, कितना मुश्किल और किस मैग्नीच्यूड का है और उसी वजह से मैंने अर्ज़ किया था कि देखना है कि बावजूद इनकी सारी कोशिशों और रुपये के वे अपने मकसद में कहां तक कामयाब होंगे, यह मुझे पता नहीं । मुझे गुहा साहब को जो रेबलूशनलाइज़ करने की नीयत है उस पर शक़ नहीं है और उसका तो मैं स्वागत करता हूं, मेरा शक़ जो है वह इस कारण है कि क्या जो रुपये का उसमें प्राविज़न रक्खा है वह काफी होगा और क्या इस थोड़ी सी रक़म से वे अपने मक़सद में कामयाब हो सकेंगे ? हिन्दी में मसल मशहूर है और जनाब को भी याद होगा और वह इस तरह है :

आयस की चोरी करी, दियो सुई को दान ।
ऊपर चढ़ चढ़ देखते, कब आवत विमान ।।

आयस की चोरी करी, काम तो इतना बड़ा है, देश के तमाम गरीब आदमियों को ऊपर उठाना है उनको मायर में से निकालने का काम है, और जो उसके लिये रक़म रक्खी गई है वह निहायत ही नाकाफ़ी है और सुई का दान देने के समान है । जनाबवाला, दस करोड़ तो पहले देते हैं, और पांच करोड़ हर साल लौंग टर्म लोन्स सेंट्रल लैंड मोर्टगेज बैंकों को देते हैं और एक करोड़ रुपया स्टैबिलाइजेशन फंड में देते हैं जो कि समस्या को देखते हुये निहायत ही नाक़ाफ़ी है और ड्रौप इन दी ओशन के बराबर है । कहत के बारे में मैं दसियों दफ़ा कह चुका हूं कि उसका सामना करने के लिये आपको नया फैमीन कोड बनाना होगा, यह नहीं कि ६ पैसे दे दिये और दस मील चला कर उनसे काम कराया जाय, जब कभी क़हत का खतरा हो तो उसका सामना करने के लिये आपको फैमीन कोड बनाना होगा, और आपको हर एक आदमी को मदद पहुंचानी होगी और हर एक की तरफ़ ध्यान देना पड़ेगा, क्योंकि आखिर हमारी वैलफेयर स्टेट है और इस नाते मैं समझता हूं कि आपकी यह एक करोड़ की रक़म नुकसान का मुकाबला करने के लिये बिलकुल नाकाफ़ी है और इसको बढ़ाया जाना चाहिये । इस वास्ते मैं ने डरते डरते आप के रूबरू इस्तदुआ की है कि कम से कम ३ करोड़ तो कर दें १ करोड़ का । दूसरी बात यह है

कि **इफ यू मीन बिजिनेस** जहां यह रक्खा है कि १० करोड़ देंगे, वहां २० करोड़ कर दीजिये और जहां ५ करोड़ है वहां १० करोड़ कर दीजिये । अभी आपको इस के बारे में कुछ पता नहीं चल रहा है, लेकिन जब आप काम करेंगे तो आप को मालूम होगा कि कितनी तक़लीफ़ लोगों को होती है । पहले सरकार तकावी देती थी, पर तकावी उस आदमी को देती थी जिस के पास ज़मीन होती थी,जो दो गारंटियर लाता था जो कि इस का ज़िम्मा लेते थे कि क़र्ज़ा चुका दिया जायेगा । लेकिन अब तो आप यह नहीं करने वाले हैं । आप ने जो किताब लिखी है उस में लिखा है कि हम इतना पैसा देंगे कि आदमी अपना कुल काम पूरा कर सकेगा । यहां तक कि आप ने इस में चिट फंड तक चला दिया है, जिस से लोग शादी गमी पर भी फायदा उठा सकेंगे । मैं उन लोगों को मुबारकबाद देता हूं जिन्होंने किताब लिखी और सारी रूरल लाइफ का नक्शा खींच कर एक ऐसी तजवीज़ निकाली है कि जिस को देख कर बड़ी तसल्ली होती है । लेकिन जब मैं रक़म की तरफ़ देखता हूं तो मेरी वही हालत होती है जो कि उस मोर की होती है जो कि अपने जिस्म की तरफ़ देख कर बड़ा खुश होता है लेकिन जब पैर की तरफ़ देखता है तो उसे बहुत अफ़सोस होता है । उसी तरह से जब मैं ५ या १० करोड़ रुपये देखता हूं तो समझ नहीं पाता हूं कि यह स्कीम किस तरह से इम्प्लिमेंट होगी । इसी लिये मैं ने यह अर्ज़ किया । आइन्दा आप को कुल प्रोड्यूस के ऊपर क़र्ज़ देना होगा, पर प्रोड्यूस पर क़र्ज़ा देने का सवाल यहां कैसे पैदा होता है । हमारे दोस्त श्री निकुंज बिहारी और श्री शेषगिरि राव ने भी शिकायत की कि आखिर जिस को आप क़र्ज़ देते हैं उस के प्रोड्यूस में से बचेगा क्या कि वह आप का क़र्ज़ा अदा कर सके । इस के माने यह हुये कि सारी स्कीम में प्राइस कंट्रोल इम्प्लिसिट है । अगर आप प्राइस कंट्रोल नहीं करेंगे तो आप की सारी स्कीम खत्म हो जायेगी । कल यह कहा गया कि आप जिस ज़मींदार को क़र्ज़ा देते हैं अगर उस के साथ आप माई बाप वाला हिसाब नहीं रक्खेंगे, उस के साथ ऐसा सुलूक नहीं करेंगे जैसा उस शख्स के साथ होता है जो कि एक फैमिली का जुज़ होता है, तब तक न वह ज़मींदार ही कामयाब होगा और न यह स्कीम ही कामयाब होगी । इस लिये इस स्कीम का जो असली जुज़ है वह यह है कि अगर आप सच्चे माने में वेलफेयर स्टेट बनाना चाहते हैं, लोगों को क़र्ज़ा देना चाहते हैं तो आप पूरी तरह से रूरल बैंकरों को भी साथ लीजिये । मैं बैंकरों के वास्ते कोई ब्रीफ नहीं रखता हूं, लेकिन मुझे यक़ीन है कि महाजन भी ज़माने की रफ्तार को देखते हैं, वह भी दिल दिमाग़ रखते हैं । वक्त आयेगा जब कि उस की सारी कोशिशें और रुपये आप के साथ होंगे । हमेशा एक हवा चला करती है, जब गांव के अन्दर इस स्कीम की हवा चलेगी तो थोड़े दिन तो महाजन ज़रूर रेजिस्ट करेंगे, लेकिन बाद में गांव के और आप के सच्चे मददगार बन जायेंगे । उन का सारा रुपया आप के साथ होगा । लेकिन जब तक सरकार की मेहरबानी नहीं होगी उस वक्त तक हम कुछ नहीं कर सकेंगे । आप बेजा तौर पर नाराज़ न हों, नक्शा खेंचते वक्त अत्योक्ति से काम लिया ही जाता है । लेकिन कामयाब वही होता है जो करे ज्यादा और कहे कम । नीज़ मसल मशहूर है अगर चीते के शिकार के लिये जावें तो शेर के शिकार का सामान करें । आप देखिये कि इस देश में एक साल के अन्दर कहीं न कहीं कहत पड़ता रहता है । कहीं फ्लड आता है कहीं कहतसाली होती है । हर साल ही कुछ न कुछ मुसीबत आ खड़ी होती है । इस लिये एक साल में एक करोड़ रुपये से कुछ नहीं होगा । अगर

[पंडित ठाकुर दास भार्गव]

आप सही माने में लोगों का कुछ भला करना चाहते हैं तो १ करोड़ का ३ करोड़ कर दीजिये, ५ करोड़ का १० करोड़ कर दीजिये और १० करोड़ का २० करोड़ कर दीजिये। कम से कम इतनी तो मेहरबानी आप को कर ही देनी चाहिये। यहां पर इस को रिड्यूस करने का सवाल नहीं है, रिड्यूस का लफ्ज तो आप को डिक्शनरी से ही इस मामले में निकाल देना चाहिये। यहां तो रुपया बढ़ ही सकता है, और इस सिलसिले में आप को और बैंकों की भी मदद लेनी चाहिये इस किताब में लिखा हुआ है कि जो रुपया हम क़र्ज़ में देंगे हम उस के ऊपर नज़र रक्खेंगे। कोई भी काश्तकार उस को ले कर के नाजायज़ तौर पर ख़र्च नहीं कर पायेगा। यहां तक कि शादी ब्याह तक में उस को ज़रूरत से ज्यादा नहीं खर्च किया जा सकेगा। अगर आप इस तरह की कार्रवाई करते हैं, अगर आप यह जिम्मेदारी लेते हुये देश का भला करना चाहते हैं और सचमुच यह बातें हो पाती हैं, तो देश में फिलवाकया रामराज्य आयेगा। आज गांव के आदमी हमारी बात नहीं सुनते हैं क्योंकि लैंड रिफार्म और इस तरह की हज़ारों बातें चलती हैं। लेकिन यह एक भलाई की चीज़ आई है। मैं चाहता हूं कि यह कामयाब हो और इस की तरकीब यही है कि आप इस में रुपया बढ़ाइये। आप को अख्त्यार है आप चाहे जितना रक्खें, मैं तो रख नहीं सकता हूं, लेकिन अगर आप इतना ही दे कर चुप चाप बैठ जायेंगे तो उससे काम नहीं चलेगा।

मैं आप का ज्यादा वक्त नहीं लेना चाता, लेकिन मैं बड़े ज़ोर से अर्ज़ करना चाहता हूं कि जो स्कीम इस किताब में लिखी हुई है वह आपने इस ऐक्ट में नहीं दिया है, लेकिन आप ने अपना इरादा जाहिर कर दिया है। कल मैं ने अर्ज़ किया था कि गवर्नमेंट ने इस में बिजिनेस प्रिंसिपल को रक्खा है। लेकिन बिजिनेस प्रिंसिपल के माने यह हैं कि आप ने किसी शख्स को रुपया दे दिया और इक़रार करा लिया कि वह रुपया दे देगा, लेकिन अगर वह रुपया नहीं दे सकता है तो भी आप उस की प्रोड्यूस छीन लें। मैं समझता हूं कि आप की मंशा यह नहीं है, न ही यह मेरी मंशा है, और न यह प्रिंसिपल चल ही सकता है। इस क्रेडिट सोसायटी का प्रिंसिपल यह है कि आप रिअल मानों में काश्तकारों की मदद करें और यह ज़ाहिर कर दें कि यह पुलिस स्टेट नहीं है, वह एक वेलफेअर स्टेट है। अगर आप ऐसा करना चाहते हैं, अगर आप चाहते हैं कि देश का भला किया जाय तो मेहरबानी कर के और रुपया दीजिये। बगैर रुपया दिये काम नहीं चलेगा।

इस वास्ते मैं चाहता हूं कि आप जिन ऐमेन्डमेंटस का मैं न ज़िक्र किया उन को मंज़ूर कीजिये। मैं इस बिल को स्ट्रांगली सपोर्ट ही नहीं करता हूं, बल्कि मैं १०० नहीं २०० परसेंट इस बिल के साथ हूं।

Shri S. N. Das (Dabhanga Central): Mr. Deputy-Speaker, this amending Bill is for the implementation of the recommendations of the Committee of Direction appointed by the Reserve Bank of India. There is no doubt that it is a good step, but it is only a first step. As our revered leader Pandit Thakur Das Bhargava said, for financing the agricultural operations that are going on in a vast country like India, this small sum that is being provided here by the establishment of the two funds is but a drop in the ocean.

Sir, while moving my resolution the other day, I said that 70 per cent. of the population of India depends upon agriculture and the survey that has

been made has fully stated what is the vast amount that is necessary for financing these operations. The Committee had stated that at least Rs 750 crores would be required for financing the agricultural operations. Of this vast amount, only 3 per cent. is being contributed by the Government—both the Centre and the States—and only 3 per cent. is contributed by the co-operative societies or co-operative banks in the various parts of the country. Therefore, this is a very important and vast problem which requires very careful consideration. Personally I do not agree that the operation of these funds should be carried out by the Reserve Bank of India. I maintain even now that it would have been better if there had been a central organisation which could exclusively undertake this great task.

The Reserve Bank of India was established in 1934 and even after Independence, this Bank could not undertake the responsibility of financing the agricultural operations of this vast country on a very large scale. The amount that was being provided every year and given to the various State banks in the country was very very small and even that amount did not reach the agriculturists. The various State co-operative banks have utilised this amount that was being provided by the Reserve Bank of India not exclusively for agricultural operations. The banks have utilised that amount for some other purposes also. Although there a provision that the Reserve Bank of India should make enquiries and see that the money that is being granted by the Reserve Bank is utilised for the purpose for which it is being given, it is seen from the Report of the Reserve Bank of India that this enquiry is not sufficient. Therefore, the provision that the Reserve Bank of India should make an enquiry has proved ineffective.

In a country like India, which is practically rural India, for proper financing of the agricultural operations including cottage industries, it is very necessary and very urgent that a central organisation like a Central Agricultural Corporation should be established. Even now, in spite of the report of this Committee of Direction which has pointed out that the Reserve Bank of India, the Central Government and the various State Governments should participate in the financing of the agricultural operations very actively, I think the set-up of the Reserve Bank of India even after this amending Bill will not be suitable for that purpose. Even after this amending Bill is passed by this House, the Government should consider the desirability and feasibility of having a Central Organisation specially for providing finance for agriculture.

The second point that I would like to urge is about these two funds—National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund. I think the initial amount that is being given for these two funds is very very small. It should be increased considerably. I would suggest that in view of the vastness of the programme, in view of the amount that has been calculated by the Committee of Direction, namely, Rs. 750 crores, for financing agricultural operations, in view of all that, should be made at least five times Rs. 10 crores a year. Otherwise, it will be tinkering with the problem and it will not touch the fringe of the agricultural operations carried on in this country. Therefore, in both these cases, the initial amount should be made five times what is provided in the Bill.

I would like to support Mr. More that in the definition of Co-operative Societies it should be made clear that all the multi-purpose co-operative societies that are being established or that will be established and that are functioning in the country for rural credit work, for cottage industries or other things connected with rural development should get advances for carrying on the rural developmens

[Shri S. N. Das]

work. I would, therefore, request the hon. Minister to see that the definition of co-operative societies is comprehensive enough to include these varieties of societies.

In the amendment it has been stated that there shall be three Deputy Governors of the Reserve Bank of India. I think the purpose here is that in view of the expanding functions of the Reserve Bank and in view of the fact that the Reserve Bank of India is going to take up the responsibility of agricultural finance, there will be one Deputy Director of the Bank who will look after the agricultural side. Therefore, I welcome this change in view of my interpretation of this clause.

In the original Act there was a provision that there should be an agricultural wing of the Bank. But that agricultural wing of the Reserve Bank of India was very very small. From the report that has been supplied to us it has been found that although it is a function of the Reserve Bank of India to examine the accounts of certain State Co-operative Banks, in the year 1952 or 1953, the Reserve Bank was able to carry out the inspection of only two Banks. I think this wing of the Reserve Bank of India should be strengthened and it should be manned in such a way as to be more effective.

We have seen that in the organisations that we set up at the Centre or in the States also, the persons who come into those organisations are not fully aware of the conditions prevailing in the rural areas. The Reserve Bank of India, or, for the matter of that, other organisations that deal with the agricultural operations should be manned by persons imbued with an idea of service of the rural people. In spite of the fact that Mahatma Gandhi laid stress on the amelioration of the rural population, even now we see that greater attention is paid to such questions as pertain to the urban areas. In spite of the fact that Government has taken up the Community Projects in various parts of the country, the officers that are appointed have no idea of serving the people and I have heard officers talking among themselves 'why should we go to the rural areas, from village to village where there are no roads'. That shows that they are not imbued with any idea of service of the rural people. Therefore, I would urge upon the hon. Minister to see that the organisations that are set up either in the Reserve Bank or elsewhere for the administration of these funds for the implementation of the policies framed by the Government, such people should be selected who are fully conversant with the conditions prevailing in the rural areas and, at the same time, they should have in their minds the service of the people uppermost, the service of the people who are the real backbone of the country.

I hope the Government of India will think again of having a central organisation such as the Central Agricultural Corporation with branches all over the country and take every step at a very early date to implement all the recommendations of the Committee of Direction. As I said, their recommendations are a part of a very important integrated scheme. By implementing one part and leaving the others as they are, I think, the whole scheme will be unsuccessful. Therefore, it is necessary that immediate steps should be taken to implement at every level—at the Centre, in the States or in the villages—all the recommendations made by this Committee of Direction in the Rural Credit Survey Report.

With these words, I support the measure.

Shri A. C. Guha: I think I should be given a few minutes to reply to the points raised by the hon. Members.

Mr. Deputy-Speaker: How many?

Shri A. C. Guha: I think I should get at least fifteen minutes.

Mr. Deputy-Speaker: I would say that hereafter hon. Members who go

to the Advisory Committee, both on the side of Government as well as on the side of the groups here, must assess the time properly. Whoever was in charge on behalf of Government had agreed to half an hour. The hon. Minister himself has taken half an hour for his opening remarks and he now wants fifteen minutes to reply. The other Members also want some time. Therefore, we must have a better sense of the time required for all these Bills. Whoever goes to the Advisory Committee should take full responsibility for reading all this and consulting his own group to make a full assessment and to make a report. Otherwise, whatever is passed there is being turned down here and whoever sits in the Chair gets into trouble.

Shri N. Rachiah (Mysore-Reserved-Sch. Castes): I support this simple Bill. In our country, out of 36 crores of people about 30 crores are living in the villages. This is according to the report of the Committee of Direction of the All India Rural Credit Survey. The unfortunate rural people in India have been subjected to all sorts of inhuman, economic and social exploitation and also rural indebtedness. As mentioned in page 5 of the same report, Chapter III, the following percentages give an indication of the extent to which the main agencies of rural credit contribute to the total borrowings of the cultivator. The proportion is as follows:

Government 3·3 per cent.
Co-operatives 3.1 per cent.
Commercial Banks 0·9 per cent.
Relatives 14·2 per cent.
Landlords 1·5 per cent.
Agricultural moneylenders 24·9 per cent.
Traditional moneylenders 44·58 per cent.
Trade and Commission agents 5·5 per cent. and
Others 1:8 per cent.

The agriculturists, particularly the very poor peasantry in the rural areas, have been subjected to this kind of inhuman exploitation by the landlords and moneylenders who charge very highrate of interest and demand free Service. So, it is of supreme necessity at this juncture to see that all possible encouragement by way of giving credit facilities, is given.

I am very happy to know that the recommendations envisage the complete re-organisation of the co-operative structure on certain lines in the country. This is a very essential feature of the Bill. Further, the Bill provides for the setting up of a National Agricultural Credit (Long Term Operations) Fund by the Reserve Bank. Apart from that, it also provides that a second Fund called the National Agricultural Credit (Stabilisation) Fund is also going to be set up by the Reserve Bank. While supporting these provisions of the Bill, for the purpose of interpretation of these provisions of the Bill and also for the purpose of giving credit to the real peasantry of the country, I would urge upon the Government that the landless agricultural workers' claims also should be taken into consideration. On this point, I would emphasise that as it is the accepted policy, it is the duty of the Government to provide employment for every citizen and if there is no employment for him, the citizen, particularly the poor man is not responsible for that. Naturally, in the rural areas, the landless people who have no employment or who have no land, have to depend upon the landlord, with the result that such exploitation has further harmed the landless worker and subjected him to the forced abour or *jeeta* system. This forced labour system is prevalent throughout the rural areas. The landless worker has to depend upon the farmer with a small holding or a big holding. Even to redeem the indebtedness the agricultural landless worker I urge that these credit facilities should extend to these landless workers also. Because, if a landless worker gets a loan of Rs. 200 or 300 from a landlord, he and his heirs or descendants have to work for at least 200 years to clear that loan. For 20

[Shri N. Rachiah]

rupees, one has to work at least for 50 years. This is the way in which a poor agricultural worker is exploited inhumanly. I would request the Government to extend these credit facilities to the landless workers who are in indebtedness in such a way that these funds could help the real poor man who is in dire necessity for these credit facilities to redeem the burden of indebtedness.

At the same time, I want to urge upon the Government to see that all the co-operatives which are going to be started and which are in existence to which the Government are going to extend the facilities, or financial assistance should be made multi-purpose co-operative societies. The Congress interim Government in Mysore in 1949 set up a sort of Rural Development Committees at the taluk, district and State levels. They started a new scheme of multi-purpose co-operative societies also. That scheme worked very well and gave very fruitful results. The co-operative movement, particularly, the multi-purpose co-operative movement has been a great success. Unfortunately, without understanding the consequences or results of such a movement, the present Government abolished both the schemes. Now, I learn that even the Central Government are thinking of introducing that scheme after studying what was prevalent in Mysore. These multi-purpose co-operatives should see that all the necessities, all the needs in the rural areas, whether for industry, or for agriculture or even for commercial purposes, are provided with credit facilities.

One point more and I shall conclude. With regard to the appointment of the directors or staff in the co-operative movement that is to be intensified in this country, I would draw attention to one aspect. As my hon. friend Shri Seshagiri Rao said, in the rural areas, generally there is the *patel* who is the so-called important man. These officers go to him but won't go to the villages and attend poor peasants. That the charge made by several hon. Members and also by my hon. friend Shri S. N. Das. When such is the attitude of the officer, we can imagine his attitude towards the Scheduled Caste men who live in the village, particularly secluded from the rest of the population, the so-called caste Hindus. What is their fate? How can they tolerate this? The Congress President Shri Dhebarji says, that if the present state of affairs continues like this, if the people in the rural areas are kept like this for some years, God only knows what will happen in the country. In a democracy there is every possibility of a revolution if the poor masses are neglected. These agricultural workers are always instigated by any political party. To prevent such a thing, the agriculturists, particularly the landless workers who mostly depend upon the landlord or the moneylenders and other exploiters, must be taken care of. Because, he only is the real poor man and it is for him that the Constitution provides all the safeguards and protection.

With these remarks, I am very happy to support this Bill.

Shri A. C. Guha: I am very glad that almost everybody in the House has lent his support to this Bill. Most of the criticisms that have been levelled against some of the provisions of the Bill have come from the impatience of the Members. I appreciate this impatience in such an important matter; in such a vital matter.

I shall come later to the different objections that have been raised with regard to some of the provisions. Pandit Thakur Das Bhargava, I think, in these 3 or 4 days has repeatedly mentioned about the per capita income of the Punjab agricultural labour, that I quoted on the first day. I think he has not realised that due to agrarian reforms introduced in most of the States, this agricultural labour, meaning the landless agricultural labour more or less will be a thing of the past.

Some Hon. Members: How?

Shri A. C. Guha: I think most of the States have provided that the land taken from the big landholders will be available for distribution amongst the landless peasants. Other measures *e.g.* for the rural industries will also divert some of them from agriculture.

Some Hon. Members: Where?

Pandit K. C. Sharma (Meerut Distt. South): What is the acreage of that land, may I know from the hon. Minister?

Shri K. K. Basu: What are the States? He is arguing on an imaginary proposition.

Shri A. C. Guha: The acuteness of landless labour problem will be appreciably diminished. Their *per capita* income will surely increase, and will not remain the same.

Then there is another thing. In the scheme that we envisage, there is also a proposal for crop loans. So long loan was given only on the guarantee of some land or some immovable property. But in future we envisage that loan may also be given on personal guarantee and on the guarantee of the standing crop. Further, there will be warehousing arrangement whereby agriculturists putting their agricultural products in the warehouse can get some loan. So that will also help to prevent them from getting into fresh debts and may also help them to get over the loan already incurred.

Almost all the Members have referred to the inadequacy of the fund provided. I think Members in their impatience have not seen the principal clause in the Bill but have concentrated their attention only on the proviso. As for long-term operations, it is said: 'an initial sum of ten crores of rupees by the Bank, and such further sums of money as the Bank may contribute every year'. There is no limit here, but the proviso puts a minimum limit—not less than Rs. 5 crores. It does not put a maximum limit. The proviso is just a safeguard to see that the fund may not be less than Rs. 5 crores. Similarly, for the Stabilisation Fund, it is said: 'to which shall be credited such sums of money as the Bank may contribute every years'. There is no limit to this amount in this clause also. Here again there is a proviso which puts a minimum limit to this fund, being not less than Rs. 1 crore.

Then the Members, again I should say, in their impatience about this very important work, have not taken the complete picture of the whole thing. This is not the entire picture of rural credit. There will be a National Co-operative Development Fund and a National warehousing Development Fund, and the Government of India should make an initial non-recurring grant of Rs. 5 crores to the National Warehousing Development Fund and a recurring contribution of not less than Rs. 5 crores every year.....

Pandit K. C. Sharma: These are the recommendations, not the proposed legislation.

श्री ए० सी० गुहा : इस लेजिस्लेशन में तो सब कुछ नहीं आया है, दूसरा लेजिस्लेशन आने वाला है ।

चौ० रणबीर सिंह (रोहतक) : एक दम से जल्दी लाइये ।

श्री गिडवानी (थाना) : हर चीज एक दम नहीं आती ।

श्री ए० सी० गुहा : ठीक हैं ।

Now he is just to cross the channel.

An Hon. Member: Cross the floor.

Shri A. C. Guha: As for the Stabilisation Fund, it is not only that the Reserve Bank will have this Fund, but co-operative banks also will set up such Fnuds. That will also help the co-operative organisations.

Shri Syamnandan Sahaya (Muzaffarpur Central): And the States also.

Shri A. C. Guha: The Reserve Bank will make this facility conditional on the State co-operative banks concerned maintaining similar agricultural

[Shri A. C. Guha]

credit stabilisation funds the same applying to central banks, where feasible, and the larger size primary societies. The Reserve Bank may also insist that part of the overdue liability should be met from such stabilisation fund within the co-operative credit structure itself. So there are other provisions also for stabilisation funds intended to meet certain contingencies.

Some Members have mentioned about multi-purpose co-operative societies. This Bill is intended only for co-operative credit societies, not for other co-operative societies.

Mr Deputy-Speaker: But the tendency in the villages seems to be to have multi-purpose co-operative societies.

Shri A. M. Thomas (Ernakulam): And that is favoured by this Committee.

Pandit Thakur Das Bhargava: They have said about craftmanship and everything else.

Mr. Deputy-Speaker: They will do the work of selling, marketing etc. and incidentally give loan also. If it is purely credit, the purpose may not be served.

Shri A. C. Guha: The warehousing and marketing societies that are to be set up will take care of that.

Pandit Thakur Das Bhargava: Village industries are also included. They say they will advance money for all those things.

Shri A. C. Guha: Yes. I mentioned that village industries also were likely to be helped, thereby relieving unemployment.

Pandit K. C. Sharma: But the sum remains the same

Shri A. C. Guha: Again he is whispering about the sum. I say Rs. 1 crore is the minimum. There is no maximum limit put.

Mr. Deputy-Speaker: What is the object of excluding multi-purpose co-operative societies from the scope of the Bill?

A. C. Guha: I think most of them would be covered by the warehousing and marketing boards that will be set up and will get accommodation for their credit operation. Also there is the co-operative Development Fund.

Mr. Deputy-Speaker: Until they are established, what is the object of this?

Shri A. C. Guha: That will come under Food and Agriculture Ministry legislation that is to be introduced.

In November 1953, I had to pilot another amendment to the Reserve Bank of India Act. There a new sub-section to section 17—sub-section 4(a)—was incorporated whereby it was provided: 'making to the State co-operative banks loans and advances for agricultural purposes repayable on the expiration of the fixed period....'. The sum allowed was Rs. 5 crores. That was the maximum put there. Almost all the Members protested about the inadequacy of the fund, but I think Members will be surprised to know that till now, that means, within these 18 months or so, it has been possible for the Reserve Bank only to advance Rs. 20 lakhs. So it is no use putting a bigger sum unless we can set up the appropriate machinery to utilise the sum. I can assure hon. Members that the Government will not be niggardly in this matter. They really are earnest in helping the co-operatives for providing agricultural credit.

2 P.M.

On the last occasion, when I moved the amending Bill the provision there was Rs. 5 crores maximum. Here we have not put any maximum. We have only put the minimum. That by itself can show to the Members with what outlook we are moving the amendment to this Bill. We are not putting a ceiling; we are putting a floor

amount below which this contribution should not go.

There was another point mentioned by Shri S. N. Das. I do not know wherefrom he got the information. He said that the inspection procedure has failed and he referred to some report. It started only in November 1953 and fourteen inspections had taken place. All the apex banks had been inspected and some of the central banks had also been inspected and I do not think there is any reason to conclude that the inspection system has failed. The co-operative organisations have voluntarily submitted themselves to this inspection of the Reserve Bank and the Reserve Bank has been receiving every co-operation from these co-operatives. Even though the co-operatives are not technically within the jurisdiction of the Central Government or the Reserve Bank, I can assure this House that there has been no difficulty as regard this close collaboration between the Reserve Bank and the co-operatives. We are also trying to recruit more staff and train them up for the inspection work and I can assure this House that under the guidance and advice and instruction of the Reserve Bank the co-operatives will be functioning properly and there will not be any difficulty as regards funds or machinery in the future for the proper functioning of the rural agricultural credit programme of the country.

Shri S. N. Das: The hon. Minister said something about the information which I quoted. The reference is to page 23 of the Reserve Bank of India report submitted to the central board of directors for the year ending June 1953.

Shri A. C. Guha: The real inspection started by the end of 1953. That was before the inspection system was properly introduced. The hon. Member was speaking of 1952-53; we are in 1955 and going into 1956-57.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The motion was adopted.

Clauses 2 to 6

Mr. Deputy-Speaker: There are no amendments to clauses 2 to 6.

Clauses 2 to 6 were added to the Bill.

Clauses 7 to 11 and 1

Shri N. B. Chowdhury: I have two amendments Nos. 2 and 4. I shall say a few words on them.

Mr. Deputy-Speaker: The general discussion or the whole discussion was only about adequacy or inadequacy; we had discussed only that point.

Shri N. B. Chowdhury: I shall say only a few words.

I beg to move:

(i) In page 2, line 26, *for* "ten crores" *substitute* "twenty five crores".

(ii) In page 2, line 32, *for* "five crores" *substitute* "fifteen crores".

The Reserve Bank had stated in their report that there was a tendency for the rural credit to increase now although it was ascertained that during the war a part of the debt was liquidated. But now there is a tendency of rise again. This survey was undertaken in 1951. From the experience of people who live and move among the rural people we find that the indebtedness is again rising because of the fall of prices of agricultural commodities etc. So, the amount that is provided here is entirely inadequate and although the hon. Minister had stated that only the minimum had been provided and not the ceiling we would urge that the minimum amount itself has to be

[Shri N. B. Chowdhury]

raised from Rs. 10 crores to Rs. 25 crores. The Minister stated that only Rs. 15 crores was provided by the Reserve Bank last year so far as short-term credit is concerned. A provision of Rs. 100 crores for short-term credit was urged by the Planning Commission. If we see this performance in spite of the provision by the Planning Commission and in spite of the Planning Commission's categorical statement that for the development of rural society we shall have to stress the development of co-operative society, it is not impressive. How can we rely on the statement that it is only the floor and the Government has the intention to provide much more? In view of that, we want that this floor itself should be raised at least to Rs. 25 crores. We also want that the annual amount should be Rs. 15 crores and not this paltry sum of Rs. 5 crores in view of the gigantic nature of the problem and the number of co-operative societies which the Government is going to bring into existence.

Shri Syamnandan Sahaya: I beg to move:

(i) In page 3, *after* line 7, *add*:

"Provided that the amount available for granting loans and advances to State Co-operative Banks and to Central Land Mortgage Banks and for the purchase of debentures of Central Land Mortgage Banks, together with the amount already disbursed for the above purposes, is at least Rs. 20 crores."

(ii) In page 4, line 15, *after* "clamities" *adds*

"or adverse economic conditions brought about by fall in prices of agricultural commodities"

(iii) In page 4, *omit* lines 16 to 18.

Shri N. B. Chowdhury: I beg to move:

In page 3, line 39, *for* "one crore" *substitute* "five crores".

Mr. Deputy-Speaker: The above amendments are now before the House.

Shri Syamnandan Sahaya: The amendments standing in my name are very very simple. If you refer to the provisions of the Bill you will find that this fund has been provided for 'the making loans and advances to State Governments for subscribing directly or indirectly to the share capital of a co-operative credit society and repayable on the expiry of fixed periods not exceeding twenty years....' Sub-clause (b) says 'the making to State co-operative banks of loans and advances ....'. Our apprehension is that the amount is so small. If the making of loans and advances to the State Governments for subscribing to the share capital of co-operative credit society is taken up seriously, perhaps the entire amount may be diverted in that direction and there may be very little left for making advances to the co-operative societies. I have, therefore, suggested that we should earmark certain sum out of this fund for the purpose of advances to the co-operative banks. My amendment reads like this "Provided that the amount available for granting loans and advances to State co-operative Banks and to Central Land Mortgage Banks and for the purpose of debentures of Capital Mortgage Banks, together with the amount already disbursed for the above purposes, is at least Rs. 10 crores." As circumstances are, the State Governments may like to get the assistance of the Central Government for subscribing to the share capital of co-operative credit societies and as such it is necessary to have some kind of protection so that a certain amount can be earmarked for the purposes of advances to co-operative societies and the rest may be used for purposes of advances to the State Governments. That is my amendment No. 6. There is the other amendment in my name—No. 10.

The provision says:

"No such loans or advances shall be made—

(a) except for the purpose of enabling the State co-operative banks to pay any dues in respect of bills of exchange," etc. and

adds thus:

"unless, in the opinion of the Bank, the State Co-operative banks are unable to pay such dues in time owing to drought, famine or other natural calamities".

I would like to make a specific reference to the adverse economic conditions brought about by fall in prices of agricultural commodities. This consideration has, as you very well know, become very urgent at present, and in the circumstances which are developing, this condition should also be one of the grounds on which loans could be advanced to a State co-operative bank provided the persons are enabled to pay the amount which has been advanced to them in due time.

Shri A. M. Thomas: It seems to be rather vague. You can specify the extent of that help.

Shri Syamnandan Sahaya: That can be done by the rules. Government will frame the rules as to what that will be.

Mr. Deputy-Speaker: Does the Co-operative Societies Act or the Land Mortgage Banks Act permit the State being a shareholder?

Shri Syamnandan Sahaya: I think there is no objection to that. There is nothing definitely stated that the State will not take it. As a matter of fact, in several land mortgage banks at least the State Governments are shareholders. I do not think that they are shareholders in any State co-operative bank. They have been advancing loans, but they are not, as far as I know, shareholders, but in land mortgage banks they are.

Mr. Deputy-Speaker: The land mortgage banks raise money by debentures and they are guaranteed by the State. That is how capital is raised. Capital is raised by shares and loans and debentures and money for investment is raised by a guarantee of the State. Are there any cases where a State has taken shares directly in any co-operative society or a land mortgage bank?

Shri Syamnandan Sahaya: In the land mortgage banks, they have taken. In co-operative societies, directly, they have not.

Shri K. K. Basu: Then it is infructuous.

Shri Syamnandan Sahaya: If they will amend the State Acts, it would be all right.

Shri A. C. Guha: They will amend the local Acts if necessary.

Shri Syamnandan Sahaya: I personally think that the amendment in the Co-operative Societies Act in the different States with a view to enable the State Governments to take up the shares has already been taken up. In my State a Bill is already pending before the legislature and the Government in my State have already promised to take shares worth Rs. 40 lakhs.

I now come to the other amendment concerning the guarantees. The sub-clause says.

"unless such loans and advances are fully guaranteed as to the repayment of the principal and payment of interest by the State Government":

My proposal is to drop this, because it may be that in some cases the Reserve Bank may consider that a co-operative society or a State co-operative bank is sufficiently sound to deserve a loan even without the guarantee of a State Government. I do not think I can say very assuredly, but I think even under the present conditions,

[Shri Syamnandan Sahaya]

some loans have been advanced in the States of Bombay and perhaps Madras without the guarantee of the State co-operative bank. Therefore, this clause should be rather an enabling one. As it is, it lays down as a condition precedent, and if the loans are not guaranteed by the State Government, then no loan will be advanced. My view is that this clause may be dropped. Of course in cases where the bank will consider that a guarantee will be necessary, they will go for guarantee and where they consider that the bank is stable enough and it deserves a loan, they will advance the money on its assets and its merits. These are the three proposals of mine which I commend to the acceptance of the House.

Shri A. C. Guha: I have already replied to the demand for increasing the amount. I think if the Government would not put those two provisos in these two clauses, then this question would not have arisen at all. The proviso was put simply to take care that the amount should not be less than this. There is no bar to increase the amount. That will only depend on the capacity of the co-operative societies to draw.

As I have already pointed out, the provision put in the last amending Act was for Rs. 5 crores for medium-term loans. There were voices of protest from different sections of this House as well as the other House that this amount would be too inadequate. But in these 16 months the Reserve Bank has been able to advance only Rs. 20 lakhs. It is no use locking up the money in a particular fund without the proper machinery to utilise it. So, I hope those amendments will kindly be withdrawn, because practically there is no limit to the fund to be drawn by the co-operative banks.

As for amendment No. 11, it is true that the Reserve Bank gives short-term loans to some apex co-operative banks without any guarantee from the State Governments as in Bombay and Madras. But this clause refers to medium-term loans. It would be very difficult for a central bank to give credit for medium-term loans without the guarantee of the State Government. These co-operative banks will function under the direct control and supervision of the State Government, who will be partners in these co-operative banks. So, it is just proper that they will guarantee any medium-term loans that will be asked for from the Reserve Bank. For short-term loan, of course, there is no compulsion that all loans should be guaranteed by the State Governments.

Shri Syamnandan Sahaya: May I make one submission? This clause contemplates both system—short-term and medium-term loans. If the hon. Minister refers to sub-clause (2) at page 4, he will find that:

> "The amount in the said Fund shall be applied by the Bank only to the making to State co-operative banks of loans and advances repayable on the expiry of fixed periods not being less than fifteen months" etc.

So, this fifteen months' period is put in. It is for a short-term loan.

Shri A. C. Guha: Not being less than 15 months. In the line above, 15 months would be considered to be a period applicable to medium-term loans.

Shri Syamnandan Sahaya: It is for a short-term loan.

Shri A. C. Guha: Up to fifteen months.

Shri Syamnandan Sahaya: If the idea is medium-term loan, I have nothing to say.

Shri A. C. Guha: As for amendment No. 10, I wish to say that agricultural prices are always subject to fluctuation. The provision made in

the sub-clause to which the hon. Member wants an amendment is only to provide for some natural calamities. They may be a passing phase. For one year there may be a calamity but in the next year the tenant would be in a position to repay and recoup his amount. But this fluctuation in agricultural prices may be a continuous thing.

Shri S. S. More: Why continuous? Do you mean to say that the fall in prices should be a continuous thing?

Shri A. C. Guha: May be. I do not say it will be. It may continue for two or three years.

Shri S. S. More: That is not the idea of the Planning Commission.

Shri K. K. Basu: But the Minister is frank about that. What will the Government do?

Shri A. C. Guha: So it may not be possible to provide for such contingencies in this clause. I hope the hon. Members will withdraw their amendments.

Mr. Deputy-Speaker: I will put the amendments to the vote of the House.

Shri Syamnandan Sahaya: I beg to withdraw my amendments Nos. 6, 10 and 11.

The amendments were, by leave, withdrawn

Mr. Deputy-Speaker: I shall put amendment Nos. 2, 4 and 8, of Shri N. B. Chowdhury, to the vote of the House. The question is:

In page 2, line 26, *for* "ten crores" *substitute* "twenty-five crores".

The motion was negatived

Mr. Deputy-Speaker: The question is:

In page 2, line 32, *for* "five crores" *substitute* "fifteen crores".

The motion was negatived.

Mr. Deputy-Speaker: The question is:

In page 3, line 39, *for* "one crore" *substitute* "five crores".

The motion was negatived.

Mr. Deputy-Speaker: Shri Syamnandan Sahaya's amendments have been withdrawn. So, there is no other amendment. I shall put clauses 7 to 11 (both inclusive), together with clause 1, the Title and the Enacting Formula, all together, to the vote of the House. The question is.

"That clauses 7 to 11, clause 1, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clause 7 to 11, clause 1, the Title and the Enacting Formula were added to the Bill.

Shri A. C. Guha: I beg to move:

"That the Bill be passed."

I thank all the hon. Members for the cordial support they have given to the provisions of this Bill. (*Interruption*).

Shri S. S. More: Is it a case of bribing the Opposition?

Shri A. C. Guha: I quite appreciate the earnestness and impatience born out of the eagerness to provide for further things. And as I have stated the amendments have generally come out of this impatience which has not allowed them to take a proper perspective of the entire picture.

So, I hope the Bill will now be passed.

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

INDIAN RAILWAYS (AMENDMENT) BILL

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

> "That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

The position now is that by virtue of sub-section (4) of section 137 of the Indian Railways Act, railway servants are not deemed to be public servants under the Indian Penal Code except for the purpose of chapter IX of the Indian Penal Code. One of the results of this provision is that while a railway servant can be prosecuted for accepting illegal gratification as a public servant, an offence defined in chapter IX of the Indian Penal Code, he cannot be prosecuted under section 409 of the Indian Penal Code (criminal breach of trust by a public servant) which occurs in chapter XVII of that Code.

In 1949 the Ministry of Home Affairs appointed a committee with Bakshi Tek Chand as chairman to enquire into the working of the Prevention of Corruption Act, 1947, and to suggest improvement in the law as well as the machinery for enforcing it. This committee recommended that section 137 of the Indian Railways Act, 1890, should be amended, so that employees of Government railways are treated as public servants for all purposes. As the great majority of railway servants are at present officers in the service or pay of Government, and hence public servants within the meaning of section 21 of the Indian Penal Code, there is no justification for excluding railway servants from the purview of the other provisions of the Indian Penal Code as well.

Moreover, it is an anomaly that a railway servant cannot be prosecuted under section 409 of the Indian Penal Code or have the protection which a public servant enjoys under the law in the present context, when all the major railways, and a large number of minor ones, have been taken over by Government.

The amendments now proposed are intended to remove the anomaly I have just referred to, and to secure that the limitation in the application of the Indian Penal Code to railway servants who are Government servants is removed, and that the existing position is maintained with respect to railway servants who are servants of the small number of railway companies that are still functioning, with the modification that they shall be regarded as public servants also for the purpose of section 409 of the Indian Penal Code.

Mr. Deputy-Speaker: The question is:

> "That the Bill further to amend the Indian Railways Act, 1890, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted

Clauses 1 and 2

Mr. Deputy-Speaker: There are no amendments to any of the clauses.

The railways have become Government property now, and therefore everyone employed in the railways must automatically be a Government servant; and he also gets privilege.

Shri K. K. Basu (Diamond Harbour): Are there no private railways? Will they also be covered by this?

Mr. Deputy-Speaker: The majority of them are State railways.

Shri U. M. Trivedi (Chittor): There are still some private railways.

Shri K. K. Basu: Will they also be covered by this?

Shri Alagesan: They are covered for the purpose of section 409 of the Indian Penal Code.

Mr. Deputy-Speaker: That is with regard to criminal breach of trust.

The question is:

> "That clauses 1 and 2, the Title and the Enacting Formula stand part of the Bill."

The motion was adopted.

Clauses 1 and 2, the Title and the Enacting Formula were added to the Bill.

Shri Alagesan: I beg to move:

"That the Bill be passed."

Mr. Deputy-Speaker: The question is:

"That the Bill be passed."

The motion was adopted.

HINDU MARRIAGE BILL

Mr. Deputy-Speaker: The House will now take up the Bill to amend and codify the law relating to marriage among Hindus, as passed by the Rajya Sabha.

The Minister in the Ministry of Law (Shri Pataskar): 30 hours have been allotted for this. How many hours shall we have for the general discussion, the clause by clause consideration and the third reading?

In all, there are 30 hours.

Mr. Deputy-Speaker: Let us proceed from the third reading. It is just an exchange of bouquets or brick-bats. Let us have 1 hour for that.

Shri Pataskar: There is no occasion for any brick-bats.

Mr. Deputy-Speaker: 1 hour is the usual time for third reading.

Some Hon. Members: Two hours.

Mr. Deputy-Speaker: Let us have 1½ hours for the third reading.

Shri S. S. More (Sholapur): He should give us all *shastras* so that the reactionary elements may be satisfied about the propriety of this measure.

Mr. Deputy-Speaker: Let us have 1 hour for the third reading. 29 hours are then left. For the clause by clause consideration we shall have 4 hours.

Shri U. M. Trivedi (Chittor): On a point of information. I do not know whether my hon. friend Shri S. S. More is justified in saying that the reactionary elements must be given some time. That is not a happy word. He should refrain from using such language. According to me, those who call themselves progressive are equally reactionaries and renegades. I do not like the idea of people being called reactionaries because they speak about it.

Shri S. S. More: Henceforward I shall call all reactionary people by the name Trivedi.

Mr. Deputy-Speaker: Very good. These compliments can be exchanged easily. Persons who call others reactionaries may themselves be reactionaries.

Shri V.P. Nayar (Chirayinkil): What will be the reaction for this?

Shri Gidwani (Thanna): Marriage and divorce.

Shri V. G. Deshpande (Guna): 20 hours should be given for the clauses, because they should be carefully considered. Last time our experience was that all the amendments were put together, and every amendment was not considered on its merits. This is a social legislation of very great importance, and we appeal that all the amendments and all the suggestions should be given proper consideration, in the House.

Shri K. K. Basu (Diamond Harbour): 1½ hours for the third reading and the rest for the clauses.

Mr. Deputy-Speaker: General discussion we have had many times. There was a very similar Bill also.

Shri Pataskar: The Special Marriage Bill.

Mr. Deputy-Speaker: We have had general discussion both when that Bill was introduced, and also when this was referred to a Joint Committee. At that time there was general discussion only and we were not attending to any clauses.

Shri S. S. More: May I support Shri V G. Deshpande's proposal though I do

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not agree with his views? I believe that as far as the clauses are concerned, they will be affecting the life of the people concerned. As far as the general principles are concerned, we may wax eloquent but they will not be effective or useful for the purpose of interpretation. So my submission is that the clauses may be subjected to more careful scrutiny so that all the defects may be removed.

Shri K. K. Basu: The eloquence may be more useful to the Members themselves.

Mr. Deputy-Speaker: If the Members agree, we may have 10 hours for the general discussion, 2 hours for the third reading, and 18 hours for the second reading; or we may have 12 hours for the general discussion, 2 hours for the third reading, and 16 hours for the clauses.

Shri K. K. Basu: Let that be the last word.

Mr. Deputy-Speaker: Is the House agreeable to this?

Several Hon. Members: Yes.

Mr. Deputy-Speaker: So we shall have 12 hours for the general discussion, 16 hours for the clauses and 2 hours for the third reading.

By the time we reach the end of the general discussion, if we find there is not sufficient number of amendments, then we will think over getting some more time for the general discussion...

Shri K. K. Basu: For eloquence.

Mr. Deputy-Speaker:...if hon. Members are anxious to speak. So, tentatively, we shall have 12 hours for the general discussion, 16 hours for the clauses and 2 hours for the third reading.

Shri K. K. Basu: What is the hon. Minister's allotment?

Mr. Deputy-Speaker: The hon. Minister will take an hour.

Shri K. K. Basu: Both at the beginning as well as at the end?

Mr. Deputy-Speaker: That we shall see.

Shri Pataskar: So far as the clauses are concerned, it will all depend upon how many amendments people send. If their number is limited, then the Minister will not have to take much time in reply.

Shri V. G. Deshpande: Will it be a continuous discussion or it will be two hours today and then on some other day?

Mr. Deputy-Speaker: It will be going on continuously, I think, or possibly, the State Bank Bill might come up in between.

Pandit Thakur Das Bhargava (Gurgaon): According to the agenda, the Untouchability (Offences) Bill is coming up tomorrow.

Mr. Deputy-Speaker: Enough unto the day is this discussion. The hon. Minister may begin now.

Shri Pataskar: I beg to move:

> "That the Bill to amend and codify the law relating to marriage among Hindus, as passed by Rajya Sabha, be taken into consideration."

[SARDAR HUKAM SINGH *in the Chair.*]

Sir, at this stage I will briefly refer to the stages through which this matter has uptil now passed and I will place a brief survey of the same before the House. As this House is aware, this Bill originally formed part of the lapsed Hindu Code Bill. This part of that Code relating to marriage among Hindus has been before the Central Legislature for a very long time, almost for about 12 or 13 years. The House is also aware of the various stages through which the attempts to codify the Hindu Law have passed. What is now known as Hindu Law is a spacious and complicated structure with different schools prevailing in different parts of the country. The codification was opposed by some as be-

ing impossible and as being fraught with grave danger to the Hindu Society. Enlightened public opinion, has, however, all along held that codification is in the best interests, could make the law certain and at the same time mark the progress that has taken place in what has now come to be called the Hindu society.

The present Bill was first introduced in Rajya Sabha on the 11th December 1952, and on the 20th December, 1952, a motion that the Bill be circulated for eliciting public opinion was made in that House and passed. The Bill was then circulated for eliciting public opinion and the opinions received showed that a large measure of public opinion was in favour of the main provisions of the Bill. Of the 27 States consulted 15 State Governments expressed themselves in favour of the Bill, 8 State Governments did not express any opinion, and only 2 States expressed themselves in favour of the prevention of polygamy but did not favour the introduction of divorce.

Shri Kasliwal (Kotah-Jhalawar): Which are those States?

Shri Pataskar: I think Ajmer and some other State.

Shri V. G. Deshpande: Is it confidential?

Shri Pataskar: There is nothing confidential. I will supply any information that is asked for. I think it is Ajmer and another State.

Shri S. S. More: How can Ajmer be confidential?

Shri Pataskar: One is Ajmer and the other State I do not remember. There is nothing confidential, otherwise why I should make a mention of this.

After the receipt of these opinions, the Rajya Sabha debated the motion to refer this Bill to a Joint Select Committee in March 1954, and the motion was adopted. Thereafter, the same motion to refer this Bill to a Joint Select Committee was discussed in this House on the 10th, 11th, 12th and 13th of May, 1954 and the motion was adopted.

The Bill thus referred to the Select Committee underwent several changes and the Committee took great pains to look carefully into the matter and the Report of the Select Committee was submitted on the 25th of November, 1954. The matter was taken up in the Rajya Sabha and they passed it on the 15th December, 1954.

Thereafter this matter is being taken up in this House for being finally discussed and passed into law.

It will thus be seen that this matter has been considered both in the Select Committee and in Parliament at some great length and has been pending in Parliament in one form or another for the last two and a half years. It is, therefore, necessary that the subject matter of this Bill should be decided without any unnecessary delay by this House.

The main questions involved in this Bill are broadly three: (1) the abolition of caste as a necessary requirement of a valid marriage; (2) enforcement of monogamy; and (3) divorce or dissolution of marriage on certain grounds.

As regards the first, I may say that Parliament has already passed the Hindu Marriages Validity Act, 1949, and accepted in principle the underlying necessity for a provision of this character. In this connection I may mention that that Bill has been passed at the instance of our hon. friend Pandit Thakur Das Bhargava and he must really be complimented for what he achieved some time back and without much furore being raised.

As regards the enforcement of monogamy, I may say that monogamy has all along been a normal feature of the Hindu society. It may be that there was no legal prohibition against allowing polygamy, but as a result of the social and

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economic changes in society, polygamy is on its last legs. There might have been some cases where there was polygamy, but monogamy has been a normal feature of our society in my view. However, the time has come when there should be express prohibition against polygamy.

As regards the third, there is still some opposition in certain quarters to which I shall refer at a later stage.

I shall now briefly refer to the changes through which this Bill has passed in the Joint Select Committee and in the Rajya Sabha which has passed the Bill.

One significant change made by the Rajya Sabha is in the title of the Bill itself. Instead of the Bill being called the 'Hindu Marriage and Divorce Bill' as originally proposed, it is now called 'The Hindu Marriage Bill'—a change which hon. Members of this House, might be with a few exceptions, will, I am sure, heartily approve because the accent is not on the dissolubility of marriage but the accent is on the maintenance of marriage and that is more important. Another important change made by the Rajya Sabha is in clause 2 of the Bill. The Scheduled Tribes within the meaning of clause 25 of article 366 of the Constitution have been excluded from the purview of the measure in view of the fact that these Tribes have their own peculiar customs. Nevertheless, power is given to the Central Govrnment to apply the provisions of the Act by notification to such Tribes so that the law could be extended to them when a suitable opportunity comes.

The Joint Select Committee has modified the definition of 'District Court' in clause 3 of the Bill so as to make it clear that where there is a City Civil Court it is that court which shall have jurisdiction under the law. The power to notify inferior courts as District Courts for the purpose of this law is now vested in the State Governments instead of the Central Government as proposed in the original Bill.

The Joint Select Committee had not made any changes in the definitions of 'sapindas' and 'degrees of prohibited relationship' except to include some more relations like children of brother and sister, brother's widow, etc., within the 'degrees of prohibited relationship' between whom marriages should not be encouraged. Local customs to the contrary will of course be covered by the saving provisions in clause 5 (iv) and 5(v) of the Bill.

In clause 5 of the Bill, the Joint Committee raised the age of the bridegroom and the bride from 18 and 15 years to 21 and 16 years respectively. In doing so, the Joint Committee was perhaps influenced by the modern trends relating to the age of marriage. The Rajya Sabha has, however, restored the ages to 18 and 15 as proposed in the original Bill. The change is in conformity with the provisions of the Child Marriage Restraint Act of 1929.

So far as gurdianship in marriage—clause 6 of the Bill—is concerned, the Joint Committee felt that in view of their having raised the age limit, it was not necessary to have a long list of guardians as proposed in the original Bill. They also provided that where the guardian is a guardian by half-blood, the bride should be living with and should have been brought up by him to enable him to act as a guardian. The original list of guardians included the maternal grandfather and the maternal uncle. But the Rajya Sabha included the maternal grandfather, maternal grandmother and the maternal uncle provided the bride is brought up by and is living with him. The only relatives omitted from the original Bill are the maternal uncle by half-blood and the residuary relatives.

Then come the clauses relating to judicial separation, nullity of marriage and divorce. The right of divorce is provided only in those exceptional cases where the aggrieved party is without any other remedy. The

scheme adopted by the Joint Select Committee with regard to these provisions in this Bill is slightly different from the scheme in the Special Marriage Act, which we have passed and where on the same ground a party can obtain either judicial separation or divorce. In this Bill the grounds for judicial separation and divorce are not identical. A decree for judicial separation may be followed up by a decree of divorce after two years or it may be cancelled by the parties coming together. Greater emphasis is laid in the Bill on attempts to preserve the marriage tie as far as possible and this is in keeping with with our traditions.

In clause 10 of the Bill, as amended by the Joint Select Committee, the word "cruelty" has a self-contained definition and the definition of "desertion" has been widened to include wilful neglect.

In clause 11 of the Bill as introduced and as amended by the Joint Select Committee, there was a provision relating to marriages solemnized before the commencement of the Act being declared as void in certain circumstances on a petition presented by either party to such a marriage. The Rajya Sabha deleted this provision as being unnecessary. If a marriage celebrated before the commencement of the Act was void under the law in force at the time of the celebration nothing contained in this Act would render it valid and no provision saying that it may be declared to be null and void on certain specified grounds is necessary. Moreover, such a provision might be misconstrued as rendering all pre-Act marriages void. Hence, the Rajya Sabha deleted the provisions relating to pre-Act marriages from clause 11. However, by an amendment to clause 13(2) a wife has been given a right to present a petition for the dissolution of her marriage by a decree of divorce on the ground that in the case of a marriage solemnized before the commencement of the Act, the husband had married again before such commencement or that any other wife of the husband married before such commencement was alive at the time of the solemnization of the marriage petitioner. This is in conformity with similar provisions in the Bombay, Madras and Saurashtra Acts and it should be noted that this is a ground for granting a divorce and not for declaring the marriage to be void.

In clause 12 of the Bill as passed by the Rajya Sabha containing grounds on which a marriage shall be voidable, the following ground has also been added, *viz.* "that if the bride was pregnant by some person other than the petitioner at the time of the marriage."

As regards clause 13 of the Bill, the Joint Committee included "leading an adulterous life" by either party as a ground for divorce, but as the expression was not clear in its significance, the Rajya Sabha changed it to "living in adultery". I do not know what the difference is. A single act of adultery may be a ground for judicial separation—clause 10(1) (f)—but for divorce "living in adultery" has to be established. The distinction is delfberate. The Joint Committee has also included two new grounds for divorce, namely, "renunciation of the world by, either party and certain loathsome acts on the part of the husband." A new sub-clause (2) (i) has been added to clause 13 of the Bill as passed by the Rajya Sabha regarding pre-Act plural marriages.

As regards clause 15, a total period of one year from the date of divorce was considered to be sufficient by the Joint Committee for the purpose of preventing re-marriages with indecent haste.

In clause 16, a provision analogous to section 34 of the Special Marriage Act has been included so that children are not branded with illegitimacy in any case.

Clause 18 of the Bill is new and was inserted by the Joint Committee to render punishable contraventions of certain conditions laid down in clause 5. This is important as otherwise it

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might have become possible for persons to contravene those conditions and get off lightly. Clauses 11 and 12 of the Bill do not cover all contraventions and some sanction is required in respect of contraventions of conditions left uncovered by clause 11 and 12.

In clause 22 of the Bill an improvement has been effected by the Joint Committee whereby unsavoury details about divorce proceedings are not to be published except with the permission of the Court. The Joint Committee have also suitably redrafted clause 23 whereby the first effort of every court would be to see that the parties are reconciled rather than they should be forced to separate.

In clauses 24 and 25 of the Bill as amended by the Joint Committee and as passed by the Rajya Sabha, a wife is also made responsible for the payment of alimony in some cases. It is to be noted that no such provision was made in the Special Marriage Act.

In clause 30 of the Bill as passed by the Rajya Sabha, the corresponding Acts in force in Bombay, Saurashtra and Madras have been expressly included for repeal, because there is no necessity for these enactments.

I have tried to refer to some of the important changes made by the Joint Committee and the Raya Sabha in the provisions of the Bill as it was introduced. I am sure the detailed provisions of this Bill as passed by the Rajya Sabha would be considered at great length when the House takes up the clause-by-clause consideration of the Bill. I have therefore avoided any discussion about the detailed provisions as contained in the different clauses of the Bill as passed by the Rajya Sabha.

I shall now try to deal with some of the main objections which have been raised with respect to the principle underlying the Bill. Those that object to this law base their objections mainly on the following three grounds: (i) that we are interfering with the ancient law, (ii) that we are trying to effect वर्ण संकर and (iii) that we are trying to destroy the sacramental character of the marriage by permitting divorces.

Now, it would be appropriate to find out what really was the ancient law on the basis of which some of our friends take objection to a measure of this kind. Now, for instance, one of the oldest books on this subject is the code of Manu—मानव धर्म शास्त्र Then there is a commentary written subsequently after about five centuries by Yagnavalkya and a few hundred years later by Narada. Then, there is also Kautilya's अर्थ शास्त्र. As a matter of fact, what was this ancient law? Has ancient law remained immutable? In its very conception was it intended that for all times to come it would remain immutable? I think that was not even the idea of those that laid down these *shastras*. If we turn only to what has been laid down by Manu in Chapter II, Verse XII,

वेद: स्मृति: सदाचार:
स्वस्यच प्रियम् आत्मन:
एतत् चतुर्विधं प्राहु:
साक्षात् धर्मस्य लक्षणम् ।

Dharma was not understood in the sense in which we look upon Christianity as a religion or Islam as a religion. *Dharma* was a course of conduct intended for the human beings, for the whole of society. This *shastra* was then probably confined only to *Bharatvarsha*. But the very title of what Manu said shows that it was *Manava Dharma Shastra*. Confusion arose from the fact that ever since the new conceptions of the Christian religion or the Muslim religion came, some people have fallen into the error to regard this also as *dharma* in that sense. For instance, what is the Muslim religion? Anybody who follows the prophet, Mohamed and believes in the *Quran* is a Muslim. Similarly, anybody who follows the Bible and believes that

Christ was the Son of God is a Christian. But, according to our ancient *shastra* on which we lay so much stress, was that the idea? It included everybody. There may be people who were worshipping idols; there may be people who did not worship idols; there may be people who believed in God; there may be people who did not believe in God. So, this was more or less *dharma* in the sense that it was a course of conduct which ancient Manu laid down for the guidance of men, as he then thought the course of conduct should be. Trying to compare it with what the other religions do and then considering it from that context and complaining that some thing which the Hindu religion does no advise is being done is what I cannot really understand. I read this *sloka* for the purpose of showing that even as Manu says, along with *Vedas* and *Smritis* are *sadachara*, good conduct which one is bound to follow, as also *swasyacha priyamatmanah* (स्वस्यच प्रियम् आत्मनः) i.e. what is satisfying to the self and the soul. We have to look upon it from that point of view. Even Manu foresaw that *dharma* should be a thing which must be in the interests of the people and which should be guided by considerations of what was to the benefit and advantage of the soul and person. On that basis I am prepared to look at it. How far should it be made applicable to the present circumstances? This to my mind removes a lot of confusion Manu did not merely refer to *Vedas* or *Smritis*. He also referred to *sadachara* सदाचरण and *Swasyacha Priyamatmanah* (स्वस्यच 'प्रियम्आत्मनः) —what is agreeable to one's body and soul or good conscience. I will request the hon. Members to exercise their good conscience and then find out whether what we are doing is right or not. Many do not want to do that. I know there might be difference of opinion. I am not one of those who want to say that there should not be difference of opinion. But this is not the proper time to consider what Manu said 2000 years ago divorced from its context with the present time. What Manu then laid down for those times may be right or may be wrong. We have no knowledge of conditions which existed then. Therefore, I am not one of those who say that from the present angle of view or from the present spectacles we wear, or under circumstances by which our minds are influenced at present, we should judge the code of Manu for condemning it or for approving what Manu said. I find that in the name of the ancient law and lawgivers some hon. Members raise objections which, as a matter of fact, have no foundation

I am definitely of the opinion that it is highly improper to look at what Manu said some 2000 years ago either for condemning it or for literally following it in the present context of things. You cannot do any one of these things.

I will say that even history of what has happened in India with respect to *dharma* or rules of conduct is worth noting. Manu was followed by Yagnavalkya in the 4th century, by Narada in the 5th century and Brihaspati in the 6th or 7th century. I need not call them commentators if some people object to it; I am not interested in calling them by particular names. So far as my limited knowledge goes, I have always been regarding them as commentators of Manu explaining these things with some changes that were desirable because that was the machinery by which they could make those changes as the time may require. By their commentaries they have effected changes in the original code in conformity with the changed conditions of society in their own respective days. What is known as Hindu law at present is entirely different from what was laid down by Manu or Yagnavalkya or any of those other sages centuries back. It is too late in the day, therefore, to contend that this is ancient divine law and must not be changed or altered. It has already been altered from time to time to suit the different conditions of society. Methods might have been different as different

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conditions permitted different methods. Society is never static and, similarly, law also must not be so. The original laws of Manu dealt with all aspects of social life, not merely with marriage or succession, but they also dealt with administration and what is now known as criminal law and other branches of the present civil law governing society. All these different aspects of law accepting marriage and succession are governed by different enacted laws which have been made applicable to our country during the last 250 years and more by the British administrators. And, I do not find any voice raised against them. They were good enough in so far as they were suitable in the changed conditions of life. To that extent, the divine ancient laws have been changed already.

As early as 1856, the Widow Remarriage Act was passed because in certain so-called regenerated classes of Hindu community remarriage was not allowed. Similar sentimental objections were raised then also. But, what is the present state of affairs. That law was not passed by any elected House like this. It was passed by a few—five or six people—Europeans who formed the Council then. They passed it and it has been found that it has not worked any hardship. On the contrary it has been found to be more and more used by those people many of whom at one stage wanted to object to even that reform taking place.

Then, again, it has to be remembered that during the long Muslim rule, in certain parts of India, it was the Muhammadan law which was the law of the land. Of course, in matters of succession it did not interfere but in other matters it was the law. To that extent.....

Pandit K. C. Sharma (Meerut Distt.—South): Never for marriage.

Shri Pataskar: No, not in marriage.

Shri U. M. Trivedi: He is talking of divorce.

Shri Pataskar: In the matter of marriage also, the Hindus were left alone.

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I may give them credit for that The reasons which might prompt persons belonging to an entirely different culture, a different religion, a different basis of society, not to interfere with the laws which govern the rest of the people is something which could be understood. With our own people coming on the scene, they have to find out and decide for themselves and these considerations need not prevail. Of course, what they should do or should not do is a different matter. The considerations are bound to be different from what they were then.

During all this period of 2000 years, the social laws were administered in different parts of India in different places in different ways. I will not go into the details. It is a fact that has been recognised. The differences from the original texts and what were laid down in *dharma shastras* went to such length that it was found:

श्रुतयो विभिन्ना: स्मृतयोपिभिन्ना:
नैको ऋषिर्यस्य वचनं प्रमाणं
धर्मस्य तत्वें निहितं गुहायां
महाजनो येन गत: स पन्था:

The ordinary man found that there were so many *srutis*, so many *smrutis*. One Rishi does not agree with another and the best way was to follow the great men.

Acharya Kripalani (Bhagalpur *cum* Purnea): Who were divorcing their wives!

Shri Pataskar: It is on that account therefore that the law formerly became a matter of custom which varied from place to place That is what happened.

Why is it necessary to go to the length of finding out what was stated in certain *smritis* 2000 years ago? There is a historical reason for that. The present system of judicial administration came with the East India Company and later with the British Parliament. Not that we were uncivilised people. As I said, before the

British Administration a state of society had developed where if there was some dispute, the *dharmadhikari* was there, the old custom was there, and things were decided according to custom. The present system has come only recently. It was first applied in the factory areas of the three towns of Bombay, Madras and Calcutta and that too only to Europeans. They did not want to make it applicable to others because they had no sovereign powers. A century later, the East India Company obtained the Diwani rights of Bengal, Bihar and Orissa from the puppet Emperor at Delhi. It was then that they introduced their system of administration through the law courts. The administration of such courts required certain definite uniform laws. There came in an entirely different aspect of the matter. Gradually they codified the Penal Code, the Procedure Code, Contract laws, the law of Evidence and so on. However, in their position as rulers over a dependency, they thought it safe not to interfere with what they thought were matters of religion. They did not interest themselves, as we are interested ourselves, in the development of our society. They were concerned with more or less ruling over a population from a place 4000 miles away. They did not care to introduce other laws.

By way of information. I might say that from 1833 onwards, there was a definite move by the then Administrators like Lord Macaulay and others that there should be some codification of the laws applicable to the people. But, certain historic events occurred and they thought that what these people thought were matters of religion, had better be left alone. They stopped with the codification of the civil laws regarding marriage succession. Then, it was for the first time after 1860 that they issued a regulation saying that in all these matters regarding caste, marriage and inheritance they would not make any laws, but the people may be governed by the laws to which they were accustomed.

It is very interesting to note what they did in the beginning. They did not know to which laws these people were subject and what their customs were. They took the advice of *pundits*. For about 100 years in different parts of Madras, Bombay and Bengal, whenever there was a European Judge, he called two Hindu *pundits* to advise him in any case relating to the Hindus and two Kazis or *maulvis* in any case relating to Muslims. It was found that their advice also varied from time to time and place to place. It is from the decisions in those cases that the present law has been framed. The *Pundits* differed among themselves. If one depended on Yagnavalkya, another depended on Narada. After 100 years they again began to think what could be done because these decisions differed from place to place. As there were different decisions of the different High Courts, they realised that something should be done for uniformity, but they found that it was impossible to do it. I might say that they probably thought, that instead of entangling themselves in these matters it was much more advantageous that there should be differences. So long as differences continued it was good for a foreign administration. Why should they bother to introduce a uniform system and invite all this trouble to themselves? The present Hindu Law to which some of my hon. friends want to stick to, is not the ancient law, is not the law either of Manu or Yagnavalkya. It is the law made by these judicial decisions. Who gave the decisions? There were judges who knew law. But they depended on the *pundits* for sanskrit. If I may say so, their decisions were based on the opinion of sanskritists who did know law and judges who knew law but had no knowledge of sanskrit. That is what we now call the Hindu law. I appeal to the hon. Members to bear this in mind. I am not one of those who find fault with our ancient law-givers. I have nothing to say against them. We must see what the present state of things is and what is the remedy and how we can remedy these matters.

Acharya Kripalani: May I ask a question? Whom does the hon. Minister represent?

Shri Pataskar: So far as this Bill is concerned, I represent the Government and I am in charge of the Bill.

Acharya Kripalani: I wanted to know whom he represents. Does he represent the Hindus or does he represent the people of India?

Shri Pataskar: I represent the people of India. I do not claim to represent here the Hindus. On the contrary, I was trying to make out that there was nothing like a Hindu 200 years ago in this land. It is only when the British administration was introduced that this term came in. I might for the information of the Members say, this. The Indian Succession Act was passed. If it was Indian, to whom it had been made applicable; to all Indians or at any rate to majority of the Indian people. But they did not want to make it applicable to the majority of the people who were either Hindus or Muslims. It is called the Indian Succession Act; it only applied to the Christians because the Government was Christian. That is a different matter. Except the Hindus and Muslims, the rest was Indian in the eyes of the British. In regard to Hindus and Muslims, they did not want to interfere so far as marriage, succession, etc., were concerned. Therefore I say that I am proud that I represent the Indians and what I am trying to do here is in the interests of the Indians.

Shri Lokenath Mishra: Why then pilot this 'Hindu' Marriage Bill?

Shri V. G. Deshpande: Then, why not an Indian Marriage Bill?

Shri Pataskar: I would request the hon. Members to have patience. Even that point will be answered. I am also aware that they raise these objections not from the point of view of doing something for the Indians; but they are trying to persist in the separation of Hindus and Muslims from others which was the result of foreign administration.

I would request them to get rid of this.

An Hon. Member: You are perpetuating it. (*Interruptions*).

Mr. Chairman: We should allow the hon. Minister to proceed.

Shri S. S. More: There must be some heat when thinking about marriages.

Mr. Chairman: There is divorce as well.

Shri S. S. More: Without heat, there cannot be divorced also. (*Interruptions*).

Shri Pataskar: To resume that topic, as I was saying, our present law is the law of judicial decisions of this type. That is what we at present call Hindu law. These judicial decisions have varied from region to region and there is no uniformity in them. They may even be changed by subsequent judicial decisions on the ground that the former decisions have become corroded by long lapse of time. We are not sure also that these decisions will always stand. It would be open to any judicial authority subsequently to give the go-bye to these laws and say, 'No, this has been corroded by time'. Therefore, I am saying that whatever we have to do in the present times must be done by resort to the legislative process. Our country, it must be admitted, was empty of law, as we now understand and administer it, ours is a continuation of that system. The result is that if the legislature does not legislate, the courts of justice will have to legislate, for it is a process which perpetually goes on through some organ or other, wherever there is a civilised government of the modern type. The only result is that if you do not do anything, this thing will go on haphazardly as it is.

Cunningham, as early as 1877, prepared a digest of these judicial deci-

sions with a view to see if that would lead to any certainty and uniformity, but ultimately came to the conclusion that the only way to attain certainty was codification. He gave up the attempt in desperation.

Shri V. G. Deshpande: You are following it.

Shri Pataskar: Yes. He dared not do it. But I can dare to do it. This is what Cunningham himself said:

> "The moment a judge is left without any lawful rations in the shape of express enactments, he is constrained to go out foraging for supplies, and the more learned and diligent he is, the further he is likely to go".

That is our common experience as to what is happening in courts of law, but which Cunningham realised in 1877. He found that judicial decisions in Hindu law took the form of deciding not what the law ought to be, but what it is according to the interpretation of primitive texts or forgotten phases of society unmodified by contemporaneous opinion. That was the opinion given regarding this Law in 1877. Can one contend that judicial decisions of this order are preferable to the deliberate, well-weighed, well-informed action of the legislature grounded solely on consideration of public welfare and guided by the wishes and opinions of those who form that legislature as the representatives of the whole nation?

I hope I have been able to convince some of my critics, even the most sceptical people, that the ancient law, as it prevailed several centuries back, is not in existence, that in no case can it be resurrected, that the present law on this subject is neither logical, nor consistent nor uniform. It is also entirely inconsistent with the present state of society. So far as this objection regarding the ancient law is concerned, and the view that it should not be changed, I think I have tried to explain the position as dispassionately as I possibly could.

The next charge is that we are creating *Varanasankar*. Now is this really the time when anybody can raise his voice in favour either of perpetuating or trying to create divisions in society? On the one hand, I am being charged, 'Why are you bringing forward a Hindu Bill only and not a Bill applicable to all Indians?' On the other hand, the same kind of groups raise the objection, 'Well, you are destroying our *Varnas*'. Well, I do not see the logic of this. As a matter of fact, even on that point, I would ask, what is this *Varna*. In *Bhagwadgita* it is said:

चातुर्वर्ण्यं मया सृष्टं गुण कर्म विभागश:

It was based on quality, on work that we did. How subsequently it came to be classified by birth and not by *guna* and *karma* is a matter of history which it is not profitable to investigate. It is true that Manu did recognise this classification of men and men on the basis of birth. The women and *shudras* were given a very inferior place. But the course of conduct recommended by Manu more than two thousand years ago cannot be made applicable to the present state of society. I have no desire to sit in judgment over what happened some two thousand years ago with a view either to condemn or to justify it. It is not necessary to do so. On the contrary, such a thing is likely to cause more harm than good. What Manu then laid down may be the result of reaction against certain chaos produced in the society at an earlier stage. It may be that there are some people who say that. But Manu himself never thought that the course of conduct that he then laid down for the benefit of society should always be adhered to. He has himself expressed that *dharma* should include *sadachara* as well as what is good for oneself and what is good for the society. In fact, I would say that Manu, the great seer, foresaw the difficulties that would arise by laying down for all future times certain rules of conduct and therefore, he has included in *dharma* not only *sadachara*

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but also *swasyacha priyam atmanah*—that is, what is agreeable to one's soul and good conscience. And it is evident that what is agreeable to one's soul or good conscience is bound to change according to times and circumstances.

The *Varnas* as envisaged in *Bhagwad Gita* on the basis of *guna* and *karma* are not in existence anywhere and the present castes are only a perverted form of that ancient classification. Whatever its merits or demerits some two thousand years back, that system has now degenerated into casteism and must be ended.

Again, so far therefore as the provision in this Bill providing that marriages amongst any class of Hindus will be valid is concerned, it has already been accepted by Parliament when it passed the Hindu Marriages Validity Act in 1949. I need not therefore say much regarding this charge.

Now, remains the last objection. The third and the last objection is that we are destroying the sacramental character of the ancient marriage system by introducing divorce. My friend, Shri Nand Lal Sharma is not here.

Shri Satyendra Narayan Sinha (Gaya West): He will reply to you tomorrow.

Shri Pataskar: It is not true that our ancient law givers ever regarded the marriage as indissoluble or as a sacrament. I do not know what basis there is for that view. At the most, it can be said that *Manu Smriti* does not lay down any procedure for divorce. To that extent I am prepared to go. But beyond that, this idea of sacrament is only of recent growth. But in those days when a wife could be sold or deserted, how can we find a procedure for divorcing her? You have to look at what Manu laid down in terms of the conditions which existed then. There you find a provision that a wife could be deserted or even sold.

Shri Syamnandan Sahaya (Muzaffarpur Central): Sold?

Shri Pataskar: Yes. I shall read it out. It is in chapter 9.

Shri V. G. Deshpande: You are making very serious charges.

Shri Pataskar: Chapter 9, verse 46 reads as follows.

न निष्क्रय विसर्गाभ्यां भर्तुर्भार्या विमुच्यते
एवं धर्म विजानीम प्राक् प्रजापति निर्मितम् ।

I wanted to avoid it but now that my hon. friend, Shri Deshpande provoked me, I had to read it.. (*Interruptions.*)

Shri S. S. More: Will you please translate it?

Shri Pataskar: Neither by sale nor desertion can a wife be released from her husband. Thus we fully acknowledge the Law enacted of old by the Lord of Creatures.

That is one stanza. I will quote the other. This is 47.

सकृदंशो निपतति सकृत, कन्या प्रदीयिते
सकृदाह ददाभीति भिज्योतानि सतां सकृत् ।

The translation is: Once is the partition of an inheritance made, once is a damsel given in marriage and once does a man say "I give"; these three are, by good men done once for all and irrevocably. They have been interpreted as the authority for holding that marriage is irrevocable and that it is thus a sacrament.

Shri S. S. More: That should be made applicable to the Members of Parliament.....

Shri Pataskar: Now let us take it a little more seriously.

Mr. Chairman: Whatsoever that is already applicable we are taking it away; you want it to apply further.

Shri Pataskar: Those are the verses. Any equivalent of the word sacrament is nowhere used. I would challenge anybody to point it out.

Verse 46, which I read previously, shows clearly that it envisages the sale or desertion of a wife and then says that she will still not be released from the husband. There is a point in it. These people do not read the whole. For what purpose such a wife sold or deserted is to be regarded as not released from the husband is a question to be considered. Manu himself in the subsequent verses which I would like to avoid referring to makes it clear that it is for the purpose of determining to whom should the children of such a sold or deserted wife belong. Verse 48 makes it clear that these children would belong to the husband and not to the person to whom she is sold. It may be that now we are looking at things from the point of view of birth control. In these days they are looking at it from a different view. If a wife is sold and if there is a child, it should belong to the husband and not the natural father of the child.

Shri V. G. Deshpande: It is not sold. The hon Law Minister should understand Sanskrit properly.

Shri Pataskar: I think I understand it much better.

Shri Lokenath Mishra: The hon. Member Shri Deshpande, is thus defeating his own cause.

Mr. Chairman: Let not a controversy be started this way. The hon. Minister should also address the Chair.

Shri Pataskar: Let us look to the context of the whole thing.

In what context has it been said? What was the underlying idea in saying what happens to a sold or deserted wife? You should read the whole...

An Hon. Member: It is like what happens to stolen property.

Shri Pataskar: We must ask any *pundit* to read the whole of the chapter and tell any modern society of people who are thinking rationally that such provisions can be used for the purpose of saying that marriage is a sacrament and not a contract. It is entirely misconceived..... (*Interruption*).

Mr. Chairman: Everyone will have his say. I shall request the hon. Members to be more serious. Let us hear the Minister. Afterwards, the hon. Members shall have their opportunities to explain the same text or whatever they want to say.

Shri Pataskar: Because it had been represented to me, I thought it fair that I should refer to all these things which had been pointed out to me and find out what substance really is there in chapter 9.

The girls who were married were young because there is also a provision that they should be married at the age of 8 or 10. The guardian gave her in marriage. It is laid down in verse 47 and that he should do it only once. What is wrong in it? When Manu was laying down the course of conduct he says that when a father gives the daughter to some bridegroom, he should do it once. Nobody expected that he could have made any other provision. You must interprete these things in their right context and correct prespective. I can go into all these details at the time of replying if necessary. I have already touched on the system that has developed in subsequent times as a result of wrong interpretation; that is a different matter. Even Kautilya's *Arthashastra* which is oftentimes quoted for this purpose makes it only recommendatory. If some hon. Member makes a point of this I will try to reply to it. There is a positive provision in *Narda Smriti* that in certain cases a different husband is allowed to a wife and they are categorised.....

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नष्टे मृते प्रव्राजते
क्लीबेच पतिते पतौ
पंचत्सु आपत्सु नारीणाम्
पतिरन्यो विधीयते ।

If he is dead, if he is impotent, etc. etc. The curious explanation given by some people is that *pati* here did not mean a husband but the betrothed. They want to explain away that provision by saying that *pati* does not mean the husband but *pati* means betrothed and in that event if a betrothed person died etc. then this provision would apply. It is ridiculous. *Pati* cannot mean anybody who is not a *pati*. Any amount of ingenuity can do nothing to change it.

An Hon. Member: There is *Sabhapati*.

Shri Pataskar: In a marriage it is not *sabhapati*. In marriage it means husband. All these things are as a matter of fact given wrong interpretation probably by some people and *pundits* on which all these oppositions in the name of religion, ancient culture and all that are based, it appears however, clear that this sacramental nature of the marriage tie has been developed as a prominent feature only during the British period of administration and even if one were to say that some thousands of years back marriage amongst a certain class of people based on caste was indissoluble, it is too late in the day to plead for the continuation of such a separate provision in respect of certain people because they happen to belong to the so-called regenerate class. We are having, and we had in the past, enough trouble on account of the continuance of the caste system which once may have served some useful purpose. But at the present moment, it is nothing short of a social evil which in the interest of our nation has to be rooted out at the earliest possible time.

Representations have been made to me by some associations who regard themselves as the representatives of those who want to preserve the ancient Hindu religion.

I also find that there was recently a convention held where probably my hon. friend Shri V. G. Deshpande was also present. I then was amazed to read what the eminent President of that body thought about what we are doing here. He said it was the rightful function of that convention,

> "to furnish our legislators with such counsel as would lie in the capacity of its participants who would really represent a measure of detachment from any possible short-sighted collective impulses of a party in the legislature, where the thinking is mostly done by the leaders and the majority is not even left with any means of knowing what to think".

These are the words as reported in the Press. "To furnish our legislators with such counsel as would lie in the capacity of its participants". Nothing wrong so far; anybody can give advice. But I object to this wording:

> "who would really represent a measure of detachment from any possible short-sighted collective impulses of a party in the legislature".

They assume that they are all very impartial and very dispassionate and that we here are doing a thing which is wrong. They say we are short-sighted. We have "collective impulses of a party in the legislature, where the thinking is mostly done by the leaders and the majority is not even left with any means of knowing what to think". In a democratic age, because a few members in the minority do not find things that are being done by the majority agreeable to them, they should make a very eminent jurist to come and sit down and make him say such a thing is not proper. I leave it to the House to judge. What he sug-

gests is that the present Bill is the result of the short-sighted collective impulses of a party in the legislature; and that in the legislatures thinking is generally done by the leaders and the majority is not even left with any means of knowing what to think. I think it was on account of the company in which he went that the President has said this. Otherwise, an eminent jurist like him could not have said this.

Shri S. S. More: That defeat in Calcutta made the difference.

Shri Pataskar: I emphatically deny that this measure is the result of short-sighted collective impulses of any party. As we all know, this matter has been under consideration since the year 1939 when this party was not in power. Then again, to charge the legislatures constituted on the basis of adult franchise as consisting of people where the leaders only think and the majority have no means of knowing what to think—this is very difficult to understand—is with due regard to the eminence of the President of that convention, to say the least, to betray a mind which is not only undemocratic in character but treats democracy with contempt and from a point of an angle of superior wisdom concentrated in himself. I think, nobody, however great he may be, in this age could come forward and say that under the Constitution under which we are working, here is a pack of people who cannot think.

An Hon. Member: You are paid to show that.

Shri Pataskar: Having started with that mental attitude towards democracy and the functioning of the legislatures, what the President further said can only be described as being due to a strong prejudice on the part of people who had gathered at that convention.

With respect to this particular Bill, the main point urged was:

> "Marriage in the Hindu system was not a mere arrangement for a man and a woman to live together for the satisfaction of the cravings of the sex. To Hindus it was an indissoluble union. A deviation from these ideas was bound to involve posterity in disastrous consequences in the disruption of Hindu society and in the destruction of all that spiritual heritage which had elevated us above many of the peoples of the world".

They thus believe that they are superior and above many of the peoples in the world. This, to my mind, is the height of assumption of an air of superiority born of self-conceit. Otherwise, what is the meaning? Everybody tries to avoid saying that he possesses superior wisdom than anybody else. I think good men do not do it. They do not have this approach.

The sponsors of this convention also suggest that divorce which once may have existed in our social system had been rejected later on and then ask us why should we want to re-introduce it again. There is nothing to show that divorce was at any time rejected. I do not know what this means. They say that divorce once existed and then society rejected it and that we are now trying to re-introduce it. I do not know what is the basis of this assumption. I might hear it sometime later from some of the hon. Members here.

Divorce is allowed in more than 80 per cent of the population of our country. By custom it is allowed in this country in nearly 80 per cent of the population. So, it is not as if what had been discontinued is tried to be continued by this measure.

Another fear expressed is that if there is a provision for divorce, then, it will be obtained by those who want to resort to it on some undesirable grounds. What does the President of the convention say? He says:

> "Cases will not be impossible where thousands will make opportunities for their wives' unfaithfulness in order to gain a divorce and re-marriage"

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To think of this problem in that way in spite of the experience of the practical working of permissibility of divorce in 80 per cent of the population is, to my mind, nothing short of taking a morbid view of the social structure of people who are described as Hindus.

Amongst the section of the people who are agitating for the prevention of any legislation regarding the Hindus, there are some who propagate and distribute leaflets. I have got two or three of them here. One such leaflet which was handed over to me is a *Memorandum on the sexual life of the Western communities with special reference to Divorce.* That is the title of that leaflet. I think such a thing, however, will not mislead anyone. In the first place, it is a very wrong method of approach to an important question like this. Why should we go to America, to look at any social institution in another country from the point of view of selecting all manner of preversities and then try to represent that society as consisting only of such perverse people? One Lindsay—he is always quoted—a Judge of the U.S.A. had made some report several years back about some sexual perversities in America. He has also been previously quoted for such a purpose. They say that if you have divorce, all these perversities will follow. I say such propaganda is a thing which must be avoided by the citizens of any independent nation in the interest of decency. We can solve our problems without slinging mud on others.

I might remind people that when one Miss Mayo came to India and tried to represent Hindu society as consisting only of certain perverts and collected such cases, we know with what amount of feeling and dignity and detestation we condemned this outrage against our country and society. We condemned that outright as being against our country and society. Let us not repeat that so far as our people are concerned. If you continue to do like that, retaliation in worse form may follow. It is not, therefore, proper to emulate that example by trying to publish such leaflets in the name of preserving the ancient foundations of our society. Why should we do it?

The learned President of that convention has further said:

> "Why should we not gain by their experience and remain satisfied with a divorce already provided in the Special Marriage Act?"

He has pleaded, "that members of the Hindu community are entitled not to be treated as mere irresponsible actors playing an imposed part in a play which they do not understand or need not try to understand". What justification is there for this? 80 per cent of the population of this country consists of people who are called and known as Hindus and we here are also their representatives. I do not know what justification is there for saying that we are treating the Hindu society in that way. There is no attempt in any way to do anything which will not lead to progress but to regress.

We have considered up till now what steps we could possibly take, we have considered the matter in various ways with various people, with people of various points of view and the measures will still be considered in this House. But to say that something is done behind the back of the people is a thing which I am not able to understand.

There is also a mild threat conveyed to us in the speech of the President:

> "Our legislators would do well to remember that the instruments they are now trying to use may be the creatures of their desires".

That means to say that we are doing this because we are all desirous of having divorces and all that sort of thing, and trying to destroy the ancient culture and go about in chaos; and he further said:

> "...that the instruments they are now trying to use may be the creatures of their desires, but they will

> evoke, modify and deflect people's desires in turn, and in course of time will take complete revenge upon us all."

That is the threat that has been ultimately administered to us. If you read the provisions of the Bill you will find there is nothing of that kind, regarding which you can say that such consequences follow. I have tried to understand the grounds of this warning. But I can assure them that we understand the people whom we represent better and whatever we do we are doing with a full sense of responsibility, and therefore such empty threats may better be avoided. They will not have any effect upon us.

The measures with regard to the codification of Hindu law which we are taking are measures that are being taken with the concurrence of the people themselves and by a body which, by and large, effectively represents the people to whom this measure is going to be made applicable. The warning is merely an indication that some people want to give this social measure a political turn and use it for political propaganda. There can be no other object in holding a Convention of that sort.

Another eminent gentleman at the Convention said:

> "To Hindus marriage was an indissoluble union."

He is an *ex*-judge who said that. Does he mean by 'Hindus' only that small percentage of the population amongst whom divorce is not permitted? Or does he mean by 'Hindus' the whole body of people who have come to be recognised as Hindus? He also freely made use of the writings of Judge Lindsay. The whole tenor of the Convention's proceedings shows that in this connection they say to us: "Look here, this is what Lindsay has said, some years ago, this has happened in America, beware if you have such a measure, the same thing will happen in this country also". I do not know what justification there is for such language.

We are no doubt trying to codify or legislate with respect to many of these matters. I have already given you the history as to how after some time the British administrators did not find it in their interests or to their advantage to have any codification. They had first an idea to do it. In fact at that time if they had probably done all these things, much of the present troubles would have been avoided. Who now complains about the Indian Penal Code, the Criminal Procedure Code, the Contracts Act or other Acts in which there are so many provisions of a like nature? Nobody complains, and nobody comes forward to complain. I would briefly mention some of the Acts that were passed in those days:—The Bengal Sati Regulation Act, 1829, the Hindu Widow's Remarriage Act, 1856, the Arya Marriage Validation Act, etc. To the second Act naturally there was some objection raised in the beginning, but it has worked smoothly since 1856. Then there were also the Arya Marriage Validation Act, and the Hindu Marriage Validation Act of 1949 which permitted inter-caste marriages, and defined Hindus to include all those people to whom this Bill is now made applicable.

When marriage between various castes, between Hindus and Hindus, or between a Hindu and a Jain, or between a Hindu and any other person to whom this Bill is made applicable, is recognised, then what is meant by *Brahma* form of marriage? I have been requested to see that at least this *Brahma* form of marriage is preserved, and that some provision is made that in the case of a *Brahma* form of marriage at any rate there should be no dissolution. I have every sympathy with the sentiments of those who urge that. But what is the present state? Formerly we used to have eight forms of marriage, known as the *Brahma*, *Gandharva*, *asura*, *pisacha*, *rakhsa*, etc. They have all disappeared now, and the present state of the law laid down by judicial decisions is that it is a pre-

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sumption that in the case of a marriage between a Hindu and a Hindu it is in the form of a *Brahma* marriage. So I do not understand how any distinction could be made at all. That is my difficulty.

Moreover, at the present moment, if we once come to the conclusion that it is not desirable to continue the present unsatisfactory state of the law being decided only by judges, the Parliament to which naturally this function must go, sitting with folded hands and doing nothing, then the question is different. I have every sympathy with those who urge that in the case of the *Brahma* marriage, there should not be any dissolution, for after all marriage is not such a light thing that people should look at it from this point of view, namely that today a person can marry and the next day he should come and ask for divorce. Nobody thinks that way in fact. Even those of us who are in favour of this Bill, do not consider it from that point of view.

But the point is that at the present moment the state of the law is that the *Brahma* marriage will be presumed in the case of every one. So, what distinction could be made between this and other forms of marriage? The further question is: If you make this exception how can it be done, will it be on the basis of regenerate and non-regenerate classes? Who are the regenerate and who are the non-regenerate? We know that we have had enough trouble on these matters. At least we who remain south of Vindhyas know to our cost what an amount of trouble has been caused on account of this distinction between regenerate and non-regenerate. Those of us who live in South India would realise that this has been the cause of many of the troubles through which we are passing today; and I would be the last person to be a party to the perpetuation of anything like it. I would try to do whatever can be done for respecting the opinion of those who regard marriage as indissoluble. In fact nothing is being done in this Bill to injure their sentiments. But I will be the last person for that purpose to perpetuate these distinctions between the regenerate and the non-regenerate classes which to our cost we have found in the last century and more have been the cause of all our troubles and have been the source of all conflicts.

I shall now wind up with these few remarks. First of all I want to make it clear that this is a measure of social importance—we recognise it—conceived in a spirit of doing good to the country and to every section of it,—in this case, the section of women, because men in such matters have all along been enjoying disproportionate rights and privileges as compared with women. We cannot in the name of preserving the sanctity of any ancient culture try to treat them in a different way in the present times and conditions of our country. To try to do so will be an anti-social act. And I would appeal to those who are trying to keep up to their privileges in the name of the so-called religion, to think of the consequences which would follow; if women who form half the population of our country in whom this sovereignty rests according to our Constitution, were denied these privileges and kept out of them. If we do not try to solve these problems on a basis of justice, equality and fairplay, no appeal to mere sentiments is likely to create much effect or to prolong the continuance of unjustified and unsocial privileges.

I know that the idea of divorce is to some people as good as a matter of religious faith or sentiment. I would say that I have respect for such people. I have nothing to say against them, because everybody is free to have his own faiths in these matters. But I am convinced that by this measure I am not doing anything which would in any way prevent them from adhering to their faith beliefs and sentiments. Even after the passage of this Bill it is not as if it is compulsory that people should di-

vorce. If there are people who think that they should preserve their faith and sentiments and try to avoid divorce, then that is in fact consistent with the spirit in which this Bill has been framed. In fact we are also going to put in a provision that as far as possible even if the parties go to a court, the court should make attempts to keep them together rather than separate them. Nobody wants that there should be any such separation. Therefore, I say that I have the highest and fullest sympathy for such sentiment. But I would say that let them not also try to impose it another. Nothing is being done which will harm anybody. It is not as if by divorce being allowed every married man will try to run away to another woman. No such thing will happen that a large number of married men will go in for divorce after some time. That is not what we anticipate in our country, and that is not what would happen in our society of which we are all really so proud.

On the contrary I would appeal to those people who look at this question from a political point of view, and who for some reason or other are unable to reconcile themselves to the changed conditions of society in a democratic state, to try to take note of the times and the changing circumstances, and to adjust themselves as much as they possibly can. Individual matters of faith and religion and sentiment have to be respected; and they are respected; but that does not mean that they can hold up the progress of society or that they can be allowed to impose their will on others.

I can assure hon. Members that we look upon these matters strictly and purely from a social aspect, and so we cannot be deterred by any unjustified warnings of the changes in our political fortunes. We have not brought this measure as representatives of a party, but as the representatives of the people of this country, and we are trying to do what, to the best of our ability and wisdom, we think is right and proper in the interest of society and the country as a whole. Our ideal is:

सर्वे सुखिनः सन्तु
सर्वे सन्तु निरामया
सर्वे भद्राणि पश्यन्तु
न कःचित दुखम् आप्नुयात ।

That is our ideal. That is what we are trying to attain. In order to reach that ideal measures of this kind are necessary and it is from that point of view, from a purely social aspect of it, that this Bill has been brought forward.

I hope and trust that the Bill will soon be passed.

Shri V. G. Deshpande: Sir, I want to raise a point of order. The Bill that has been moved by the hon. Minister is *ultra vires* of the Constitution.

Mr. Chairman: Let me place the motion before the House.

Shri S. S. More: The point of order itself is out of order.

Mr. Chairman: Motion moved:

> "That the Bill to amend and codify the law relating to marriage among Hindus, as passed by Rajya Sabha, be taken into consideration."

Shri V. G. Deshpande: Sir, my submission is that this Bill militates against articles 14 and 25 of the Constitution. Article 14 says:

> "The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India."

Now, by this Bill, we are making a discrimination between Hindus...

Mr. Chairman: If the hon. Member permits me, I may tell him that I will give him the first chance to speak. I am not going to decide whether it is *ultra vires* or not. That will be left to the House to decide. I am calling the hon. Member first. In his speech he can press this point as well.

Shri Lokenath Mishra: Sir, on a point of information. Since this Bill

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is likely to raise lively and interesting debate may we expect from you, being in the Chair, to get each one of us a copy of the speech delivered by the hon. Minister, and secondly to invite names of Members who are likely to participate in this debate so that we may not have the frustration of getting up and sitting down and yet not catching the Chairman's eye? Because this is a social measure and requires discussion fully I expect from you this privilege, in the name of democracy which has been sworn by the hon. Minister.

An Hon. Member: But, what is the point of order?

Mr. Chairman: There is no point of order and the hon. Member wanted to raise a point of information, if I remember correct.

Shri Lokenath Mishra: Yes, Sir.

Mr. Chairman: As far as the first point is concerned, I will see if it is possible to have a copy of the speech circulated to Members. So far as the second point is concerned, when a Motion has been put to the House there is general invitation that those who want to speak may stand up and try to catch the eye of the Chair. It has already been circulated for information of hon. Members that even if they send in chits either through the party whips or directly, then too they shall have to stand up in their seats and catch the eye of the Chair if they want to speak. It is only to facilitate matters and to help the Chair in selecting the names that these chits are submitted. So, those hon. Members who want to send their names may do so. Some hon. Members have already done so. Others who want to speak may also send their chits. But, so long as I am in the Chair I will make selections after seeing who are those hon. Members who get up and try to catch the eye of the Chair.

Shri S. S. More: May I make one request? As far as this measure is concerned, the selection of speakers should not be on the party basis.

Mr. Chairman: There is no dispute about that.

Shri Dhulekar (Jhansi Distt.—South): Our request is that those persons who had no chance of speaking before should be given a chance now; otherwise they will not get any chance.

Mr. Chairman: In my opinion we cannot exclude certain Members who have had chances before because this is a measure in which Members of all sections would like to participate.

Shri U. M. Trivedi: Sir, I, have one request.

Mr. Chairman: Would it not be better if we proceed with the debate now?

Shri U. M. Trivedi: My request is this. We originally decided to have 30 hours for this Bill. The hon. Minister has very kindly taken one hour and ten minutes and he is expected to take one hour and ten minutes at the end. He will also take about two hours on the clauses. Under those circumstances, when he will take away 5 hours out of the time allotted, would it not be possible to increase the time by 5 hours?

Mr. Chairman: When the Business Advisory Committee decided to allot 30 hours for this Bill, they took into consideration the time that was likely to be taken by the Minister at various stages. Now, let us proceed.

श्री वी० जी० देशपांडे : सभापति महोदय, जहां तक इस विधेयक की विधानबाह्यता का सम्बन्ध है, उस के बारे में मैं कुछ अधिक नहीं कहना चाहता हूं, क्योंकि मुझ से अधिक समर्थ लोग इस विषय पर बोलने वाले हैं । मैं केवल इतना ही कहूंगा कि हम ने भारतवर्ष में रहने वाले सब लोगों को अपने संविधान के द्वारा बड़ी गम्भीरता के साथ यह आश्वासन दिया था कि सब के साथ समान बर्ताव किया जायगा, किन्तु आज आप यह विधेयक हमारे सामने ला रहे हैं, जिस का सम्बन्ध केवल हिन्दुओं

की विवाह-पद्धति से है । मैं देखता हूं कि यहां पर मेरे रोमन कैथोलिक मित्र बैठे हुए हैं, मुसलमान मित्र बैठे हुए हैं, किन्तु आप केवल हिन्दू स्त्री के लिये क़ानून बना रहे हैं, मुसलमान स्त्री के लिये नहीं, जबकि उन के यहां बहुपत्नीत्व मौजूद है । आप की समानता की भावना मुसलमान स्त्रियों को मुक्त करने के लिये जाने की ताकत नहीं रखती । यह तो पहली बात है ।

दूसरी बात यह है कि तलाक के विषय में, विवाह-विच्छेद के विषय में हिन्दू की उन्नति करने की आपके हृदय में जितनी चिन्ता और भावना है, उतनी रोमन कैथोलिक और मुसलमान के लिये नहीं है और न ही उस के लिये आप के पास सामर्थ्य है । इस धर्म-निरपेक्ष राज्य के संविधान में धारा १४ में आप ने सब के साथ समानता का व्यवहार करने का निश्चय किया था । आप ने उस को तिलांजलि दे दी । धारा २५ में यह आश्वासन दिया गया है कि हर एक व्यक्ति को इस देश में अपने अपने धर्म के अनुसार चलने का अधिकार है । मैं कानूनी बातों में जाना नहीं चाहता हूं कि धार्मिक रूप से आचरण करने के अधिकार का अर्थ क्या होता है । अभी विधान मंत्री जी ने बताया है कि धर्म के विषय में क्रिश्चियन और हिंदू की व्याख्या में बहुत फ़र्क है । इसी कारण से मैं कहता हूं कि अपने धर्म के अनुसार ब्राह्म-पद्धति से मैं ने जिस विवाह को संस्कार के नाते किया है, उस का कभी विच्छेद नहीं हो सकता है । इस विधेयक के द्वारा आप मेरे धर्म-स्वातंत्र्य को आघात पहुंचाना चाहते हैं । इतनी वैधानिक आपत्ति करने के पश्चात मैं विधेयक के बारे में कुछ शब्द कहना चाहता हूं ।

प्रारम्भ में मुझे स्वीकार करना पड़ता है कि माननीय विधान मंत्री का भाषण सुन कर मुझे बड़ी निराशा हुई है । बात यह है कि हम तो प्रतिगामी लोग हैं, केवल शास्त्रों की बातें बताते हैं, केवल श्लोक कहते हैं । इसलिये हमें तो यही मालूम होता है कि आज एक और मनु या शंकराचार्य या याज्ञवल्क्य संसार को एक नया विधान देने के लिये पृथ्वी पर आ गया है । मैं तो यह पूछना चाहता हूं कि आखिर हमारे समाज में ऐसा कौन सा परिवर्तन हो गया है, जिस के कारण हज़ारों साल से चली आ रही और मानी जा रही हमारी इस विवाह-संस्था में परिवर्तन करने की आवश्यकता आ पड़ी है । इस बारे में एक भी दलील हमारे विधान मंत्री ने नहीं दी । उन्हों ने सिर्फ एक ही बात बताई और वह यह कि धर्म-शास्त्र भी बदलता है और क्योंकि वह पहले भी बदलता था, इसलिये अब भी बदलना ठीक है । उस को कोई भी बदल दे । पहले स्त्री और पुरुष में विवाह होता था, आप पुरुष पुरुष में विवाह करें । आखिर बदल ही तो करनी है—परिवर्तन ही तो करना है । "परिवर्तन करना चाहिये" केवल इतना कहने से आप की बात चलने वाली नहीं है । मैं तो विधान मंत्री से इस बात की अपेक्षा करता था कि वह हम को बतायेंगे कि जिस मानोगामी—एकपत्नीत्व—को हम मानते आ रहे हैं, जिस विवाह-विच्छेद का हम विरोध करते आ रहे हैं, समाज की किन परिस्थितियों के कारण वह उन में परिवर्तन करना चाहते हैं और समाज में उन के कारण कितनी कुप्रथायें पैदा हो रही हैं । हमारे विधान मंत्री हिन्दुस्तान के बाहर जाना नहीं चाहते हैं । वह नहीं जानते कि अमरीका में क्या हो रहा है, इंगलैण्ड में क्या हो रहा है । लिंडजे का उन्हों ने नाम ले दिया । मेरे सामने एक पुस्तक है जिस में लिंडजे के एक दो कोटेशन्स होंगे । इस के अतिरिक्त इस में बहुत सी

[श्री वी० जी० देशपांडे]

4 P. M.

अन्य सूचना और आंकड़े हैं । इस में कोर्ट्स के डिसिजन हैं । इस में यह बताया गया है कि किस किस अवस्था में वहां विवाह-विच्छेद हुए हैं । इस में यहां तक बताया गया है कि यू० एस० ए० में हर साल कितने विवाह होते हैं और कितने विवाहों का विच्छेद होता है । एक साल के आंकड़े दे कर बताया गया है कि ढाई विवाहों का परिणाम एक तलाक होता है अर्थात् अगर ढाई विवाह होते हैं, तो एक तलाक होता है । जब ये बातें यहां पर रखी जाती हैं, तो जवाब दिया जाता है कि हम ऐसी बातें

[SHRIMATI SUSHAMA SEN *in the Chair.*]

चुन चुन कर यहां लाते हैं । दलीलों की कोई जरूरत नहीं है । इस प्रकार की दलीलें दे कर आप इस प्रकार का प्रगतिशील बिल, जैसाकि आप इसे समझते हैं लेकिन मेरे विचार में तो यह ऐसा बिल्कुल नहीं है और मैं तो इसे बिल्कुल उलटा मानता हूं—ले आयेंगे यह मैं नहीं समझता था । हजारों वर्षों से जिन बातों पर हम विश्वास करते आये हैं और जिन को बिल्कुल ठीक समझते आये हैं उन में परिवर्तन करने के लिये जब आप हमारे सामने आते हैं तो आप का यह कर्तव्य हो जाता है, आप का उत्तर-दायित्व हो जाता है कि आप बताते कि जो दशा हिन्दू समाज की आज है उस में सुधार करने के पश्चात् समाज में यह नई परिस्थितियां होंगी और यह सुधार होंगे । यह बताने का आप का कर्तव्य था लेकिन यह बताने की आप ने कृपा नहीं की । आप ने केवल इतना ही बताया कि प्राचीन काल में शास्त्रों में परिवर्तन होते रहे हैं । एक बड़े भाग्य की बात यह है कि हमारे विधि मंत्री को शास्त्रों का बहुत ज्ञान तो नहीं है, जब मैं ऐसा कहता हूं तो मैं उन के विरुद्ध तो कुछ कहना नहीं चाहता मेरे से शायद ज्यादा ज्ञान हो यह मैं मानता हूं लेकिन मैं कहना चाहता हूं कि शास्त्रों का अध्ययन बड़ी गम्भीरता से करना पड़ता है । उन्होंने एक दो श्लोक यहां से ले लिये और एक दो वहां से ले लिये और बिना शास्त्रों का अच्छी तरह से अध्ययन किये एक दम इस सदन के सामने आ गये और कहने लगे कि हिन्दू विवाह या जो हिन्दू संस्कार जो हैं इन में क्रांतिकारी परिवर्तन करने की आवश्यकता है । उन के विचार में पहले तो हिन्दू विवाह एक सौदा होता था इस वास्ते इस प्रकार के सौदे को खत्म करने के लिये वे एक क्रांतिकारी संशोधन यहां ले आये । मैं उन को बताना चाहता हूं कि हिन्दू शास्त्रों के अनुसार जो हमारे १६ संस्कार हैं उन में एक हिन्दुओं का विवाह यह भी एक संस्कार माना गया है और यह एक प्रमुख संस्कार है । हिन्दू धर्म में जिस प्रकार एक स्त्री के लिये पतिव्रत का धर्म पालन करना आवश्यक है उसी प्रकार एक पुरुष के लिये भी पत्नी व्रत का पालन करना भी उतना ही आवश्यक है । जब एक हिन्दू का विवाह होता है तो वह तीन महान उद्देश्यों की पूर्ति के लिये होता है और वे तीन महान उद्देश्य हैं अर्थ, धर्म और काम । हिन्दुओं में विवाह केवल काम के लिये ही नहीं बल्कि धर्म के लिये और पुत्र उत्पादन के लिये किया जाता है । इस प्रकार की बातें हम हजारों वर्षों से मानते आये हैं । परन्तु मैं कहना चाहता हूं कि जो कुछ शास्त्रों में लिखा है उस को आप अलग रख दीजिये । मेरा तो उन में पूरा विश्वास है. लेकिन आप इस बात को छोड़ दीजिये और इन शास्त्रों की बात को छोड़ कर जो दो तीन बातें मैं देखता हूं. बाकी बातों पर जब क्लाज बाई क्लाज कन्सिडेशन शुरू होगा उस

वक्त बोलूंगा और बताऊंगा कि किस प्रकार यह शास्त्रों के विरुद्ध है उन की ही चर्चा करूंगा । पहले किस प्रकार के शास्त्रों पर आघात हुए हैं यह बताने की मुझे यहां बहुत आवश्यकता महसूस नहीं होती है । परन्तु मैं इतना बतलाना चाहता हूं कि इस बिल की अनेक क्लाजिज जैसे ५(ए), ६, १२ (१)(ए) इत्यादि हमारे शास्त्रों से बहुत दूर गई हैं । परन्तु जैसे मैं ने कहा कि शास्त्रों से दूर जाने की बात को आप अलग रखिये और अलग रखने के बाद आप मुझे बताये कि जो दो बातें जिन का मैं अभी उल्लेख करूंगा अपने पाश्चात्य लोगों के अनुकरण से आप यहां ला रहे हैं उन का क्या प्रभाव पड़ेगा । आप ने यहां पर एबालिशन आफ कास्ट मौनोगेमी और डाईवोर्स इन तीन बातों पर जोर दिया है और इन तीन बातों को इस बिल में ला रहे हैं । कास्ट के बारे में मुझे कुछ कहना नहीं है क्योंकि यह आज एक प्रमुख विषय नहीं है । बाकी दो बातों पर मैं अपने विचार यहां पर रखना चाहूंगा । मौनोगेमी का जो आप ने अधिकार दिया है इस अधिकार को सिद्ध करने के लिये आप को यहां पर दलीलें देनी चाहिये थीं परन्तु ऐसा करने के बजाय आप ने यह कह दिया है कि आज इस को बहुत आवश्यकता थी कि समाज में कोई क्रान्तिकारी परिवर्तन आये । इस तरह के शब्द कह कर काम चलने वाला नहीं है । इस मामले के बारे में भी आप शास्त्रों में न जायें, वेदों में न जायें मनुस्मृति में न जायें लेकिन आप को इतना तो बताने की आवश्यकता थी कि इस चीज की जरूरत क्यों पड़ी । इस बात को आप ने सिद्ध नहीं किया । एक एक विषय पर जो आक्षेप आते हैं मैं उन को बतलाऊंगा केवल धर्म पर इंटरफीयरेंस केवल वर्णसंकर और सैक्रिमेंटल कैरेक्टर है यह तीन बातें कह कर काम चलने वाला नहीं है । आप पहली बात मौनोगेमी की जो है उस को लीजिये । हिन्दुओं में न केवल पतिव्रत है बल्कि पत्नीव्रत भी है ।

मुझे बड़ी खुशी हुई कि एक कांग्रेस दल के सदस्य मेरे माननीय मित्र श्री राने ने इस के बारे में एक संशोधन रक्खा है । अपने संशोधन में आप ने लिखा है कि यह मौनोगेमी जो है इस से बड़ी तकलीफ हो रही है और यह बढ़ती ही जा रही है । बम्बई के प्रान्त में यह चीजें उन्होंने देखी हैं । मैं ने उन से पूछा कि भाई तुम तो कांग्रेस पार्टी के एक सदस्य हो तुम ने ऐसी समझदारी का संशोधन कैसे रक्खा है । इस के जवाब में वे कहने लगे कि भाई यह पार्टी का सवाल नहीं है । बम्बई में एक ऐक्ट है । मैं लोगों में घूमता हूं और बहुत ज्यादा तकलीफ देखता हूं । इस तकलीफ को देखते हुए मैं ने यहां अपना एक संशोधन किया है कि कोई विशेष परिस्थिति में कोर्ट को अनुज्ञा से पुरुष को दूसरा विवाह करने की अनुज्ञा होनी चाहिये और जो परिस्थिति रक्खी गई है वह यह है कि अगर किसी स्त्री को कोई बीमारी हो जाए कि जो बीमारी ठीक न होती हो तो पुरुष को इन की समझ में स्त्री को निकाल देने का हक़ होना चाहिये उन को डाइवोर्स करने का अधिकार होना चाहिये । हमारे राने साहब का सुझाव है कि किसी की पत्नी को कोढ़ होता है कोई बीमार पड़ती है तो उस को अपनी पत्नी को तलाक देने का अधिकार नहीं होना चाहिये । किन्तु उस की सम्मति से और कोर्ट की अनुज्ञा से दूसरा विवाह करने का अधिकार होना चाहिये । मैं तो आप को बतलाना चाहता हूं कि मेरे एक मित्र हैं उन का लड़का दो साल से लुनेटिक हो गया है और अब मैं आप से पूछना चाहता हूं कि वे अपने लड़के को घर से निकाल दें और कहें कि यह मेरा लड़का नहीं है । इसी

[श्री वी० जी० देशपांडे]

प्रकार से मेरी पत्नि जिस से कि मेरी दो साल हुए शादी हुई हो वह यदि लुनैटिक हो जाय और एक साल में या दो साल में अच्छी नहीं होती तो क्या मुझे उसे निकाल देना चाहिये। क्या मुझे उसे डाइवोर्स दे देना चाहिये । मैं समझता हूं यह जो आप कर रहे हैं यह कोई प्रगति की बात आप नहीं कर रहे हैं । इस प्रकार की बातें यहां लाना ठीक नहीं है । इस के साथ ही साथ आप यह कहते हैं कि जो मौनोगेमी है यह ज्यादा उदारता की है । मुझे तो आप को बतलाना है कि आज इस देश में पौलीगेमी जो हो रही है इस को रोकने की आवश्यकता है । आप प्रदेशों की तरफ देखते नहीं हैं आप स्टेटिस्टिक्स की तरफ देखते नहीं हैं आप तो केवल पाश्चात्य देशों का अनुकरण करना चाहते हैं ।

मैं आप से पूछना चाहता हूं कि राव कमिटी जो १० साल पहले नियुक्त की गई थी और उस ने जो रिपोर्ट दी थी उस के पश्चात् आप ने कौन से स्टैटिस्टिक्स एकत्र किये हैं ? आप तो लोगों की भावनाओं को देखना नहीं चाहते । आप यह भी देखना नहीं चाहते कि कितने लोग इस देश में दूसरा विवाह करते हैं । किन किन परिस्थितियों में वह ऐसा करते हैं किन किन कारणों से करते हैं । उन को सजा देनी चाहिये या नहीं । दिल्ली में, पूना में, नागपुर में मैं ने देखा कि दूसरे विवाह हो रहे हैं । कौन कर रहे हैं ? धर्म के ठेकेदार नहीं कर रहे हैं । इन विवाहों को तथाकथित प्रागतिक पुरुष और स्त्रियां कर रहे हैं । एक पढ़े लिखे पुरुष का विवाह होता है । कुछ समय बाद एक पढ़ी लिखी स्त्री आ कर उस से विवाह करती है और उस की गृहस्थी को बिगाड़ देती है । इस को आप को रोकना चाहिये ।

Shri U. M Trivedi: On a point of order; there is neither the Law Minister nor anybody here.

रक्षा संगठन मंत्री (श्री त्यागी) : मैं भी एक मिनिस्टर हूं । I am also a Minister ; Madam, I have also taken the oath.

श्री वी० जी० देशपांडे : आप ने देखा है कि इस देश में पढ़े लिखे लोगों में बहुपत्नीत्व बढ़ रहा है । मैं सरकार को धन्यवाद दूंगा कि उन्होंने परिपत्रक निकाल कर इस प्रकार के विवाह रोकने की कोशिश की थी । लेकिन इस कानून द्वारा पहली स्त्री को निकाल कर दूसरी स्त्री करने का अधिकार आप उन को दे रहे हैं । अगर किसी को अपनी पत्नी अच्छी नहीं मालूम हुई और कोई दूसरी स्त्री उस की गृहस्थी पर डाका मारने आ गई तो आप उस को ऐसा करने का अधिकार इस कानून द्वारा दे रहे हैं । इस प्रकार के विवाह न हों इस प्रकार का कोई प्रतिबन्ध इस कानून में नहीं है. बल्कि आप इस प्रकार के विवाह करने वालों को एक प्रकार से बख्शीश देने की बातें कर रहे हैं । उन लोगों को कोई भी दंड इस कानून के अनुसार मिलने वाला नहीं है । इस बहुपत्नीतत्व को आप को रोकना है । लेकिन यह बिल उस का इलाज नहीं है । हमारे शास्त्र के अनुसार इस प्रकार की जो बातें करते हैं उनको सजा देने का विधान है । मैं तो कहता हूं कि यदि कोई स्त्री इस प्रकार से किसी के वैवाहिक जीवन को बिगाड़ने का प्रयत्न करे तो उसे सजा मिलनी चाहिये ।

Mr. Chairman: Please address the Chair.

श्री वी० जी० देशपांडे : जिस का पहले विवाह हो चुका है उसे आप दूसरा विवाह करने की अनुमति देते हैं । हमारी

विवाह पद्धति स्त्री पुरुष को एक प्रकार की सेन्स आफ सीक्योरिटी देती है । एक छोटी देहात की लड़की का एक बड़े से बड़े आदमी से विवाह हो जाता है फिर वह आदमी चाहे मिनिस्टर बने या प्राइम मिनिस्टर बने या पाकिस्तान का प्राइम मिनिस्टर बने वह स्त्री समझती है कि मेरे पद को कोई ले नहीं सकता । वह आनन्द के साथ अपने जीवन क्रम को चलाती है । और पुरुष भी यह समझता है कि वह बाहर चाहे जितने धक्के खाये चाहे जितनी लड़ाइयां लड़े लेकिन उस के घर के अन्दर एक निष्ठावान जीव बैठा है जो उस का आदर करता है और उस से प्रेम करता है । लेकिन आज हम देखते हैं कि जब कोई छोटा आदमी बड़ा आदमी हो जाता है तो वह सोचता है कि पहली स्त्री को निकाल दे और एक पढ़ी-लिखी प्रगतिशील स्त्री से विवाह करे जोकि व्याख्यान दे सके, जो मन्दिरों में न जावे । वह आदमी ऐसी स्त्री को ले आता है । तो आज हमें उस पहली स्त्री का संरक्षण करने की अत्यन्त आवश्यकता है । आप ने जो कानून बनाया है क्या उस के अनुसार एक स्त्री कोर्ट में जा कर अपना डिफेंस कर सकती है? उस को आर्थिक स्वातंत्र्य नहीं दिया हुआ है । पुरुष अदालत में जा कर गवाही भी दे सकता है और स्त्रियों पर इल्जाम भी लगा सकता है और अपना संरक्षण करने में भी समर्थ है । इसलिये मैं समझता हूं कि अगर इस कानून से कोई फायदा उठा सकता है तो वह पुरुष वर्ग ही है और स्त्री उस के सामने असहाय हो जायगी । इस देश में हिन्दू विवाह कानून ने जो एक प्रकार की सुरक्षितता पुरुषों को और विशेष कर स्त्रियों को दी थी वह इस कानून से नष्ट हो जायगी । अभी बम्बई में एक अभिनेत्री ने एक मुसलमान के साथ शादी कर ली । उस के साथ दो चार महीने रही । कई दिन हुए तो उस को मालूम हुआ कि उस के पति ने उस को १५ दिन पहले तलाक दे दिया । उस को यह मालूम भी नहीं हुआ कि यह यूनीलेटरल डाइवोर्स कैसे हो गया । हम ने जो हिन्दू विवाह कानून में सुरक्षा की भावना रखी है इस से हमारे यहां वैवाहिक जीवन में बहुत आनन्द का निर्माण हुआ । लेकिन आज जीवन के प्रति एक रोमांटिक एप्रोच दिखलाई देती है जिस में एक अद्भुत रमणीय और प्रेम की भावना रहती है और उस में जीवन की एक प्रकार की स्वतंत्रता रहती है । आज उस भावना पर अधिक जोर है । हम ने वैवाहिक जीवन में बाल बच्चों का पालन पोषण समाज का संगठन आदि का ध्येय अपने सामने रखा था । आप ने इस कानून में तलाक को रख कर स्त्री की हालत को खराब कर दिया है । अगर यह कानून पास हो गया तो इस से स्त्री की अवस्था खराब हो जायेगी ।

मैं यह मानने के लिये तैयार हूं कि यदि कहीं अपवादात्मक परिस्थिति में किसी स्त्री या पुरुष के साथ अन्याय हो रहा हो तो उस का प्रतिकार किया जाय । उस के लिये मेरे दिल में जगह है । मेरे दिल में उन के लिये सहानुभूति है । मैं चाहता हूं कि समाज में इस प्रकार की एक व्यवस्था हो कि किसी के साथ अन्याय न हो । इतना तो मैं मानने के लिये तैयार हूं । परन्तु अन्यथा वैवाहिक जीवन में परिवर्तन का मैं पक्षपाती नहीं हूं । सामाजिक जीवन को स्थिर बनाये रखने के लिये, बालबच्चों के पालन पोषण के लिये, उन की शिक्षा आदि के लिये और कौटुम्बिक जीवन को स्वस्थ बनाये रखने के लिये यह आवश्यक है कि स्त्री पुरुष तलाक न लें । और केवल धर्म के ठेकेदार ही नहीं बल्कि बड़े बड़े प्रगतिशील विचार वाले भी इस तलाक की प्रथा के विरुद्ध हैं । आज एक या दो पुरुषों या स्त्रियों की तकलीफ

[श्री वी० जी० देशपांडे]

न हो इस के लिये हम पूरी प्रजा के जीवन को अस्वस्थ बना रहे हैं और जनता के जीवन में इस कानून द्वारा मत्सर और द्वेष का प्रवेश कर रहे हैं । जो प्रगतिशील लोग हैं उन के लिये हम ने पहले ही यहां पर विशेष विवाह विधेयक पास कर दिया है । ऐसा करने के पश्चात् आप क्यों जानबूझ कर इन कानून द्वारा हिन्दुओं की भावना को ठेस पहुंचाते हैं ।

मुझे तो बड़ा आश्चर्य हुआ जब मैं ने विधि मंत्री का भाषण सुना । वह तो समझते थे कि इसके पक्ष में एक भी दलील देने की आवश्यकता ही नहीं है । उन्होंने केवल इतना ही कहा कि हम इसमें संशोधन कर रहे हैं, पर उसके पक्ष में दलील देने का उन्होंने सौजन्य नहीं दिखलाया । आप एक बहुत महत्व का विधेयक ला रहे हैं । मैं आप से गम्भीरतापूर्वक प्रार्थना करता हूं कि ऐसा जल्दी में न करें । दस घंटे में या बीस घंटे में या तीस घंटे में इतना बड़ा सामाजिक परिवर्तन होने जा रहा है । कुछ लोग हमारी बात का और हमारे विवाह के कानून का मखौल करते हैं, लेकिन मैं कहता हूं कि यह मखौल करने की चीज नहीं है । विवाह हमारे यहां एक बड़ी निष्ठा की चीज है । हमारे दुश्मन भी जब इस निष्ठा को देखते हैं तो वे हमारी प्रशंसा करते हैं । आप देख सकते हैं कि महरौली में अलाउद्दीन की टूम्ब पर लिखा है कि 'हिन्दुस्तान की स्त्रियों ने मुझे हराया है ।' उस पर फारसी में लिखा है कि जलती हुई मोमबत्ती पर पतंग जलते हैं यह तो हमको मालूम है, लेकिन बुझे हुये दीपक पर मरने वाले पतंग मैंने इस देश की स्त्रियों के रूप में ही देखे हैं । इस प्रकार उसने यहां के स्त्रीत्व की प्रशंसा की है । उसने चित्तौड़ का जौहर देखा हुआ था । हमारे यहां के वैवाहिक जीवन में इस प्रकार की निष्ठा है, इसलिये इसका मखौल नहीं करना चाहिये । हमने इस देश के अन्दर एक महान आदर्श का निर्माण किया था । उस उच्च आदर्श के अनुसार हम सैकड़ों, हजारों वर्ष तक चलते रहे । जो लोग हमारे साथ नहीं चल सके उनको हमने स्वतंत्रता दे दी कि वे रिवाज के अनुसार चलें । लेकिन आज कुछ ब्राह्मण, क्षत्रिय और वैश्य प्रगतिशील बन हुए इस निष्ठा का मखौल करते हैं और इसकी अधोगति का लक्षण समझते हैं । ऐसे लोगों के लिये हमने विशेष विवाह विधयक का निर्माण कर दिया है । यह कानून बनाने के पश्चात् भी आप जानबूझ कर धर्म का मखौल कर रहे हैं और वह कार्य पाटस्कर जी जैसे सम्मान्य और वृद्ध पुरुष के द्वारा हो रहा है । वह कहते हैं कि "पहले यहां विवाह संस्कार नहीं होता था, इस का निर्माण ब्रिटिश लोगों ने किया है । हम विवाह के अवसर पर यह प्रतिज्ञा लेते हैं :

"धर्मे च अर्थे च कामे च, नाति चरामि, नाति चरामि नाति चरामि"

इतनी महान प्रतिज्ञा हम लेते हैं जीवन की पवित्रता के लिये, स्त्री की सुरक्षितता के लिये, बच्चों के पालन पोषण के लिये, और समाज को स्वस्थ बनाने के लिये । इस कार्य के लिय हम विवाह द्वारा एकत्र होते हैं । हमने इस विवाह संस्था के मंदिर का निर्माण किया है और हम इस पृथ्वी पर इसका गौरव समझते हैं । आप देखेंगे कि आपके बाकी सब सुधार नष्ट हो सकते हैं, बाकी आपका एश्वर्य नष्ट हो सकता है । "डिक्लाइन एण्ड फाल आफ रोमन एम्पायर" में दिया हुआ है कि जब रोम में विलासिता बढ़ गयी और जर्मनी से जंगली टोलियों ने आकर वहां पर विजय प्राप्त की और उनकी विजय के दो ही कारण

उसमें लिखे हैं, एक तो उनका विश्वास था कि जो मरता है वह स्वर्ग जाता है, यह भावना उनमें थी और दूसरी भावना यह थी कि वहां की स्त्रियां पतिव्रत धर्म की तरफ बहुत ध्यान देती थीं, इन दो महान् भावनाओं के कारण उस रोमन एम्पायर, जिसका ऐश्वर्य दुनिया मानती है, उस महान् रोमन साम्राज्य को उन जंगली लोगों ने हराया और वह साम्राज्य पतन को प्राप्त हुआ । उसी तरह का पतिव्रत का एक महान् आदर्श हमने इस देश में निर्माण किया है और जिस आदर्श को आज आप इस तलाक व्यवस्था और विशेष विवाह विधेयक के द्वारा ठुकराने जा रहे हैं और मैं फिर आज आपसे प्रार्थना करूंगा कि इस प्रकार का प्रस्ताव या विधेयक रखते हुए इस बात की जिद् मत कीजिये कि तीस घंटे के अन्दर यह जो हमने तीन हजार साल में या लाखों साल में अपनी संस्कृति निर्माण की है, उसको हम ठुकरा देंगे । मैं तो आप से यह भी कहने के लिये तैयार हूं कि शास्त्रों पर यदि आप का विश्वास नहीं है तो उन को छोड़ दीजिये, लेकिन मेरी तो निष्ठा और विश्वास अपने धर्म शास्त्रों पर है और जिन हमारे प्राचीन पूर्वजों और आर्य ऋषियों ने इन शास्त्रों का निर्माण किया था उन के हृदय में अपने देश और समाज के प्रति देशभक्ति की भावना थी और इसी महान् भावना को हृदय में ले कर उन्होंने धर्मशास्त्रों की रचना की थी । मैं यह मानने को तैयार नहीं हूं कि हमारे उन प्राचीन ऋषियों को मनुष्यस्थ भावों का ज्ञान नहीं था । इस तरह के धर्म शास्त्रों का निर्माण बड़े संयम और गहन अध्ययन के बाद होता है । हमारे मनु, याज्ञवल्क्य, विज्ञानेश्वर का इस कार्य में बड़ा भाग रहा है और हमारा हिन्दू समाज उन का बड़ा ऋणी है । मनुष्य स्वभाव बदलता होगा, लेकिन इतने क्रान्तिकारी रूप में नहीं बदलता है । मनुष्य स्वभाव को देख कर अनादि काल के लिये नियम उन्होंने बनाये हैं, उन नियमों को आप परिवर्तन के नाम पर ठुकरा देते हैं और दावा करते हैं कि हम जनता के प्रतिनिधि हैं, जनता ने हम में अपना विश्वास प्रकट किया है और हमें इस प्रकार का परिवर्तन करने का पूर्ण अधिकार है और पाटस्कर साहब इस तरह की भावना ले कर यहां आयें और कहें कि हम इस देश के लिये एक नया क़ानून निर्मित करेंगे, तो मैं उन से निवेदन करूंगा कि पहले आप इस देश की परिस्थिति का पूरा अवलोकन करें और हमारे सामने तथ्य रक्खें कि इस देश में स्त्री मात्र पर इन-इन कारणों से अत्याचार होता है और इस इस प्रकार के अत्याचार होते हैं और इन का निराकरण करने के लिये हम यह यह सुधार लाये हैं, यह करने के बजाय एक खाली जिद् को ले कर कि समाज शास्त्र में जमाने के साथ "चेंज" आवश्यक है, इसलिये हम "चेंज" करेंगे ही, इस तरह की जिद् मैं समझता हूं कि उचित नहीं है और देश और समाज के लिये घातक सिद्ध हो सकती है क्योंकि किसी अच्छी चीज को बिगाड़ना तो बड़ा आसान है, उस का निर्माण करना कठिन होता है । अगर कहीं किसी तालाब या बर्तन में पानी भरा है तो कोई भी जहर फेंक कर उस को विषैला बना सकता है और एक बार जहर फेंकने के पश्चात् फिर हम हेल्पलेस हो जायेंगे और कुछ नहीं कर सकेंगे । मेरी समझ में ठीक आप वही कार्य प्राचीन हिन्दू विवाह पद्धति को तोड़ कर करने जा रहे हैं और केवल पाश्चात्य देशों के अन्धानुकरण में अपने देश और समाज की परिस्थितियों को ध्यान में न रखते हुए अपनी आदर्श और पुरातन विवाह प्रथा में परिवर्तन कर

[श्री वी० जी० देशपांडे]

रहे हैं और साथ ही में समझता हूं कि देश की करीब ८० या ९० प्रतिशत आबादी इस प्रकार का विवाह में संशोधन नहीं चाहती, यह संभव हो सकता है कि दस, पांच प्रतिशत आबादी को, कुछ बड़े लोगों की इस प्रकार के हिन्दू मैरिज बिल की आवश्यकता महसूस हो सकती हो तो केवल दस, पांच प्रतिशत बड़े बड़े लोगों के खातिर आप इस पुरातन और आदर्श विवाह प्रणाली को क्यों बदलना चाहते हैं और जिस तबदीली का असर हमारे देश और समाज पर खराब पड़ने वाला है। अगर आप यह समझते हैं कि स्पेशल मैरिज बिल पास होने के पश्चात् भी इस तरह का बिल पास होना अत्यावश्यक है तो आप का कर्तव्य है कि आप इस देश की परिस्थिति को पूरी तौर पर समझ लीजिये और बारीकी से उस का अध्ययन करने के पश्चात् आप इस तरह का विधान ला सकते हैं।

आखिर में मैं एक ही बात आप को बताना चाहता हूं कि विधि मंत्री जो यह कहते हैं कि हम जनता के प्रतिनिधि हैं और हम एलेक्टोरेट से नहीं डरते, तो यह तो मैं भी देख रहा हूं कि आप जनता से नहीं डरते, परन्तु आप को एक बात तो माननी ही पड़ेगी कि पिछले चुनावों के अवसर पर आप ने अपने एलेक्शन मैनिफ़ेस्टो में इन बिलों को छोड़ दिया था, ऐसा किस कारण हुआ, मुझे पता नहीं लेकिन आप अपने पिछले चुनाव घोषणापत्र को उठा कर पढ़ लीजिये, उस में इन बिलों का कोई जिक्र नहीं पायेंगे .....

Mr. Chairman: I might say that the hon. Member has already taken more than half an hour. How long is he going to take?

Shri N. C. Chatterjee (Hooghly): This is a very important Bill of a revolutionary character.

Shrimati Renu Chakravartty (Basirhat): One member cannot take one hour.

Shri V. G. Deshpande: I shall finish in half an hour?

Shri Bogawat (Ahmednagar—South): If one Member takes one hour, there are other Members who have to speak.

Mr. Chairman: Twelve hours have been allotted for the general discussion. Other Members also must have an opportunity to speak.

Shri V. G. Despande: I shall conclude. हां तो मैं आप को बतला रहा था कि आप अपने पिछले चुनाव पत्र को जो प्रकाशित हुआ था उठा कर पढ़ लीजिये, उस घोषणापत्र में इस हिन्दू विवाह विधेयक और हिन्दुओं के पुरातन कानूनों पर आघात करने वाले कानूनों का जिक्र नहीं था। इस प्रकार का महत्वपूर्ण विषय देश के सम्मुख आप ने रक्खा हुआ था, रखने के पश्चात् उस के विषय में एक कमेटी बनाई गई थी और उस राव कमेटी ने देश के एक कोने से ले कर दूसरे कोने तक जनमत जानने का प्रयत्न किया था और उस को जानने के पश्चात् उस समिति के एक सदस्य श्री मित्र ने उस के बारे में लिखा है कि यह विधेयक जो सरकार लाने जा रही है यह जनता में प्रिय नहीं है और जनता को इस प्रकार का विधेयक मंजूर नहीं है और उन्हों ने उदाहरण दे कर बताया है कि देश की ओवरह्वेल्मिंग मैजारिटी, प्रचंड जनसंख्या इस विधेयक के विरोध में है। मेरा कहना है कि दस साल में एक दफ़ा चुनाव आया, चुनाव में यह बिल आप ने जनता के सम्मुख रक्खा नहीं, मुझे जहां तक पता है, जान बूझ कर इस विवादग्रस्त विधेयक को एलेक्शन

मैनिफ़ेस्टो से आप ने निकाल दिया और पावर में आने के पश्चात् आप इस विधेयक के बारे में प्रान्तीय सरकारों से पूछते हैं और उस में भी मैं श्री राधा विनोद पाल से सहमत हूं जब वह कहते हैं कि 'ओन्ली वन लीडर हैज टु थिंक' और जब हम ऐसा कहते हैं तब आप को गुस्सा आता है कि हमें ऐसा कहते हैं । जनता ने आप को ऐसा करने के लिये मैनडेट नहीं दिया है, आप कहेंगे कि यहां हम पालिटिक्स ला रहे हैं, लेकिन मेरा तो मत है कि डेमोक्रेटिक स्ट्रक्चर में सोश्यल रिफ़ार्म्स तब आते हैं जब जनता उन को चाहती है । उन को करने से पहले जनता को समझाया जाता है कि हम ये चीजें करने वाले हैं और जनता की भावनाओं का आदर करते हुए और जो उन की इच्छा होती है उस की पूर्ति करते हुए एक जनप्रिय सरकार कानून बनाती है । आप यदि यह बिल रखना ही चाहते हैं तो दो वर्ष के भीतर फिर चुनाव आने वाले हैं, उस वक्त तक आप ठहर जायें और इस अवधि के लिये जो तलाक के इच्छुक होंगे उन से मैं आप की तरफ से क्षमा मांग लूंगा, और मैं चाहूंगा कि चुनाव के अवसर पर आप जनता में जायें और बतलायें कि हम इस तरह का बिल पास करने वाले हैं और उस के आधार पर आप चुनावों के अवसर पर जनता से अपने लिये वोट मांगें और एलेक्टोरेट से मैनडेट लेने के पश्चात् आप यहां पर आ सकते हैं और इस तरह का कानून पास करा सकते हैं और बिना हिचक के कह सकते हैं कि हमारे इस कानून के पीछे जनता की मंजूरी है और वह इस प्रकार का बिल चाहती है । अन्त में मैं और अधिक न कहते हुए सिर्फ़ यही निवेदन करूंगा कि एक महान् विवाह की प्रणाली, कौटुम्बिक जीवन का एक महान् आदर्श और अपनी एक अभिमान योग्य आदर्श संस्कृति हम ने निर्माण की है और उस को आप इतनी लाइट्ली और इतनी अगम्भीरतापूर्वक बक्का दे कर समाप्त न कीजिये । बस इतना ही मेरी प्रार्थना है ।

Shri B. K. Ray (Cuttack): Madam, I must thank you respectfully for giving the this opportunity to take part in this debate.

My reaction to this Bill is not one of opposition or raising obstacles in the way of the passage of this Bill, but it is one of sympathy and co-operation. On studying this Bill, in spite of the past history through which this Bill has passed, and in spite of the fact that it has been passed by the Rajya Sabha, in my humble judgement, I have found certain defects in the Bill which I think ought to be corrected at this stage so that the law enacted by the Bill may have facility of administration and leave as little doubt in its application as possible.

I am not including in, nor do I favour any body indulging in, controversies as to what the ancients said must always be followed or whether they must not be. Nobody can turn the table against time and tide of society. Society is progressing. Circumstances have come into existence which were not there before Manu or Narda or other ancient law givers. Therefore, with regard to the policy of the Bill, I give my wholehearted support.

Now, I would invite the attention of this House and of the hon. Minister to the three particular features in the Bill which, if I am correct, ought to be corrected. The first is that Hindu law which provided the provisions of law regulating our married life was our personal law. Wherever we went, it governed us. Now, this statute ought to be made applicable to all Hindus and that, I think, is also the intention of Government. It is not only confined in its operation to India and Hindus living in India but extends to Hindus outside, and as the law passed by a sovereign lagislature of a sovereign

[Shri Birakisar Ray]

country, under the fundamental principles of private international law, it will be respected extra-territorially. But if our provision in the Act is not sufficient to make it fully extra-territorial, I should call it a defect—a lacuna. Therefore, we must say in the Bill that this law applies to all Hindus wherever they may be on the face of this earth, and wherever they may be residing.

Pandit Fotedar (Jammu and Kashmir): Except Hindus of Jammu and Kashmir.

An Hon. Member: Why?

Pandit Fotedar: See the Bill.

Shri Radha Raman (Delhi City): Include them.

Shri B. K. Ray: Suppose you do not have that, the difficulty will be this. People who want to have marriage in contravention of your section 5 may go to a foreign country and get the marriage performed there. When they come back as married couple, your law does not say anything as to how to behave with them. That is why I say that this is the first feature in which I consider the Bill as framed to be defective. It may be due to language or it may be due to lack of intention to give it that wide scope which, I think, ought to be given to it. Otherwise, it will fail in its purpose to a large extent. The law can be evaded.

The second feature is also an important one in my judgment. Now, in one of the clauses of the Bill, it has been said that all ancient texts, their interpretation—and with it also necessarily goes judge-made laws—shall cease to have effect after the passing of this Act. The heading of the clause is 'Over-riding effect of Act'. The point is, so far we in this country have not such a thing as common law: so for the purpose of regulating the married life, we had the law known as Hindu law and custom. That, if I can use the term, is abolished or repealed or annulled by this. Then, where is the provision in the Act by which you are going to lay down what are the mutual rights and obligations as between the married couple? If two people marry, what right does accrue to the husband as against the wife and to the wife as against the husband? Unless you say that, there will be difficulty in administering the sections in which the law of judicial separation, the law of divorce and the law of restitution of conjugal rights have been enacted. You do not know your rights because you cannot fall back upon the Hindu law and custom. It is gone.

Shri S. S. More: Not the whole of it.

Shri B. K. Ray: The whole of it that relates to Hindu marriage is gone.

Shri S. S. More: No. Only those matters affecting us are gone.

Shri B. K. Ray: Of course, this is my submission. If the Law Minister and the House take a different view, let them take it. But I submit as you say, in respect of the matters in which this Act has made laws, all texts and everything else will go. Therefore, the position is that at any rate that will be worth controversy in court. It may be that you will not be surprised if some court says that there are no mutual rights and obligations defined in the Act. In that case, the judgments will vary according as the yard stick of the judges in which they have to define what is reasonable, just, or proper. For instance, in the clause relating to restitution of conjugal rights, you have said that if one of the parties to the marriage has deserted 'without reasonable excuse' etc. etc. Now, what is 'reasonable excuse'? You might remember that in America a wife succeeded in getting her husband punished with a fine of five dollars simply because he kissed her at a time when she was just going to call on a friend after finishing her toilet.

Shri Tyagi: Is that so?

Shri B. K. Ray: Suppose such a thing is repeatd by the husband Suppose he says, 'I will pay five dollars and I will kiss my wife'. Then

such a thing can be a ground for divorce under the American law. But are you going to say that this is a 'reasonable excuse' in India.

Shri Syamnandan Sahaya: Shri Pataskar will reply to that?

Shri B. K. Ray: Therefore, I say that there ought to be a provision either enumerating or defining or illustrating what are the mutual rights and obligations, how much of Hindu law in this respect goes and how much remains. This is the second feature to which I invite the attention of the House.

Then the third feature is as regards those clauses which, I learn from the hon. Minister, have been introduced in the Rajya Sabha by way of punishing people for having contravened the law of marriage as laid down in the Act. According to several clauses, the wife, when she comes as a respondent, will be compelled in certain cases to pay for the maintenance and support of the husband.....

Shri Syamnandan Sahaya: That is very very essential.

Shri B. K. Ray: ..and to pay for the expenses of the proceedings. And after the decree, she will be made to pay for the maintenance and support of the husband, so long as he remains unmarried. This seems to me to be something very wrong, because so far as we know the law, there is no responsibility on the wife to maintain the husband. It is just the contrary.

Shri Pataskar: The elders thought otherwise.

Shri B. K. Ray: Under what circumstances, then, should the wife be made to pay the expenses of maintenance and support of the husband?

An Hon. Member: It is retrograde.

Shri B. K. Ray: Therefore, I invite the attention of the House to these two clauses. So far as the party being wrong in his or her conduct is concerned, on that being found in court subsequently. the court has got the discretion, the right to punish the party by grant of a decree for special costs and the like. But if the wife has to pay for the maintenance and support of the husband during the pendency of the proceeding, it will have one deleterious effect, namely, that many women, even if they have a good cause, for fear of this, will not go to court.

These are the three features which, if not properly attended to, may leave some lacuna in the law, and there may be difficulties in administering it and you may very soon have to come before the legislature to amend it. That is all I want to say.

श्रीमती सुभद्रा जोशी (करनाल) : सभानेत्री महोदया, सब से पहले तो मैं अपने मित्र श्री देशपांडे जी को मुबारकबाद देना चाहती हूं कि आखिर कोई दिन तो उन को ऐसा मिला जब मुसलमान भाइयों से उन को बहुत सहानुभूति हुई और उन्होंने मुसलमान भाइयों को भाई कहा तथा मुसलमान बहनों को बहन कह कर पुकारा । उन्होंने कहा कि यह संविधान के खिलाफ है कि इस किस्म का कानून पास किया जाय, इस किस्म का कोई अधिकार या खास कर सहूलियत किसी को दी जाय । मैं उन का ध्यान और अपने अन्य साथियों का ध्यान कांन्स्टिट्यूशन की उस धारा की तरफ ले जाना चाहती हूं जिस में यह दिया है कि किसी के खिलाफ किसी किस्म का जाति भेद या किसी और वजह से भेद नहीं किया जायेगा ।

सभानेत्री जी, अजीब बात है कि हमारे यहां इस की गिनती तो हमेशा की जाती है कि हमारे यहां हिन्दू कितने हैं, मुसलमान कितने हैं, पारसी कितने हैं, रोमन कैथोलिक्स कितने हैं, पर हमारे देश में स्त्रियां कितनी हैं और पुरुष कितने हैं, इस की तरफ कोई ध्यान नहीं देता है । हमारे हिन्दुस्तान की

[श्रीमती सुधद्रा जोशी]

जो आधी आबादी है, आज जब कानून उसके साथ भेद-भाव करता है, तो उनका ध्यान संविधान की उस धारा की तरफ नहीं जाता है । मैं कहना चाहती हूं कि अपने अपने घरों में कोई स्त्री और पुरुष पति-पत्नी हैं और कोई भाई-बहिन हैं । वह तो घर का रिश्ता है । अपने घर में कोई स्त्री अपने पति को प्रेमवश या बेवकूफ बनाने के लिए चाहे देवता कहे और चाहे भगवान कहे और चाहे परमात्मा कहे । इसी तरह कोई पुरुष अपनी पत्नी को दासी कहे लक्ष्मी कहे या देवी कहे । यह तो अपने घर की रिश्तेदारी है । पर हंसी उस वक्त आती है जब कानून पुरुष को भगवान और स्त्री को दासी समझ ले । इस वक्त हमारे यहां जो कानून हैं, उनमें स्त्री और पुरुष के प्रति कितना फर्क रखा गया है। फर्क हम में है इस में कोई ताज्जुब की बात नहीं है, पर हकूमत और कानून उसमें फर्क करे, यह एक महामूर्खता की बात है । आज कानून के अनुसार पुरुष और स्त्री में यह फर्क है कि पुरुष चाहे जितनी शादियां करे, उस पर कोई बन्धन नहीं है, परन्तु स्त्री ऐसा नहीं कर सकती है। आज पुरुष चाहे अपनी स्त्री को छोड़ दे, दूसरी शादी कर ले, उसको घर से निकाल दे, पर अगर स्त्री चाहे, तो वह घर छोड कर बाहर नहीं निकल सकती है । इस वक्त हकूमत से कुछ मांगने का सवाल नहीं है । हम तो यह चाहते हैं कि कानून ने जो फर्क पैदा कर दिया है, उसको हटा दिया जाय । आज का कानून क्या है ? आज का कानून यह है कि फर्ज कीजिये कि एक भाई और बहिन के बीच जायदाद का मामला है, तो बहिन को कुछ नहीं मिल सकता है, क्योंकि वह लड़की है—कानून के अनुसार लड़की को कुछ नहीं मिल सकता है । यह बात हमारे फंडामेंटल राइट्स के खिलाफ है । मैं देशपांडे जी का ध्यान इस तरफ दिलाना चाहती हूं कि अगर केवल हिन्दुओं के लिये कोई कानून बनाना हमारे फंडामेंटल राइट्स के खिलाफ है, तो इस वक्त कानून में जो स्त्री और पुरुष में फर्क किया गया है, वह तो फंडामेंटल राइट्स के और भी ज्यादा खिलाफ है । हम तो सिर्फ यही मांग करते हैं कि हम को कानूनी अधिकार दिया जाय और किसी के साथ महज पुरुष होने की वजह से फर्क न किया जाय ।

इस के बाद देशपांडे जी ने कहा कि पढ़ी लिखी लड़कियां घर बरबाद करने के लिये आ जाती हैं । इस देश में आज पढ़ी लिखी लड़कियों की जो हालत है, उस का जिक्र कर के मैं इस सदन का सिर शर्म से झुकाना नहीं चाहती ।

विवाह संस्कार की बात भी कही गई है । मैं देशपांडे साहब को कहना चाहती हूं कि वह न छेड़ें उस फोड़े को—उस से कोई भला होने वाला नहीं है । आज वह शास्त्रों का जिक्र न करें । आज अगर वह कानून में और शादी की बातों में शास्त्रों का जिक्र कर के रुकावट पैदा करना चाहते हैं, तो मैं कह देना चाहती हूं कि उन शास्त्रों को अलग हटा कर स्त्रियों के हाथों से दूसरे शास्त्र लिखे जायेंगे ।

सभानेत्री जी, आज शादी का जिक्र किया जाता है । किस की शादी का ? मैं कहती हूं कि मालूम होता है कि जब स्त्री का जिक्र होता है, तो हमारे यहां अक्सर पत्नी की बात सोची जाती है, क्योंकि हमारे पुरुषों के ऐसे संस्कार बन गये हैं कि शादी होने के बाद उन के दिल में स्त्री के लिये प्रेम तो क्या, एक जिद, दुश्मनी

और दासत्व की भावना आ जाती है और जब भी वे उस का जिक्र करते हैं, तो एक और ही तरह जिक्र करते हैं। मैं आप के द्वारा सभासदों का ध्यान इस तरफ भी दिलाना चाहती हूं कि जिन स्त्रियों को आप मजाक उड़ाते हैं, खिल्ली उड़ाते हैं, वे आप की बच्चियां और बेटियां भी हैं और बहिनें भी हैं—वे बेटियां और बहिनें, जिन की शादी करने के लिये आप गली गली और घर घर भटकते हैं। जब पति उन को छोड़ देता है, तो आप अपनी पगड़ी और टोपी उतार कर जवाई और ससुर के पांवों में रख देते हैं और हर तरीके से इस बात की कोशिश करते हैं कि वह बेटी या बहिन सुखी रहे। इसलिये मैं कहना चाहती हूं कि जब स्त्री का जिक्र होता है, तो अपनी पत्नी की बात के साथ ही साथ अपनी बच्ची और बहिन की बात भी सोचें।

अब मैं स्त्रियों की शादी का जिक्र करती हूं। आज हमारे मुल्क में क्या होता है? हम अपनी लड़की को पढ़ाते लिखाते हैं, अच्छा बनाते हैं और जो कुछ हो सकता है, करते हैं और उसके बाद कई लोग—अजीब अजीब शक्लों के लोग—उस को देखने के लिये आते हैं। कोई कहता है कि नाक टेढ़ी है, कोई कहता है कि रंग खराब है, कोई कहता है कि चलती ऐसे है—यह आप की लड़की के लिये कहा जाता है। अगर सब कुछ ठीक होता है, तो फिर कहा जाता है कि जहेज कितना दोगे। जब शादी होती है, तो पहली बात हमारे दिमाग में यह आती है कि हमारी लड़की को खाने को मिलेगा या नहीं, पहनने को कपड़ा मिलेगा या नहीं। मैं यह कहना चाहती हूं कि जो हमारी विवाह-पद्धति है, वह प्रास्टीच्यूशन है—उस से बढ़ कर और कुछ नहीं है। आप देखिये कि हमारी स्त्रियों को ऐसी शर्म की जिन्दगी बितानी पड़ती है। मैं आप से कहती हूं कि...

Shri Lokenath Mishra: Is that in order? She said 'Hindu marriage system is a prostitution.' Is it so?

Mr. Chairman: Order, order.

श्रीमती सुभद्रा जोशी : सभानेत्री जी मैं माफी चाहती हूं कि मुझे ऐसी कठोर भाषा इस्तेमाल करनी पड़ रही है।

Pandit Thakur Das Bhargava: Probably she did not mean that marriage life was prostitution. She never meant it; she only wanted to convey the idea that women are not treated properly. I should think that these words may be expunged because she did not mean them and would like to see them expunged.

Shri Lokenath Mishra: But she does not herself say that she did not mean what she said.

Mr. Chairman: She did not mean it. Order, order.

Shri V. G. Deshpande: This should be expunged from the record.

श्रीमती सुभद्रा जोशी : सभानेत्री जी, मैं आप से यह कहती हूं कि मैं इस बात के लिऐ माफी चाहती हूं कि जो कुछ मैं कह रही हूं उस के लिये शब्द बहुत कठोर इस्तेमाल कर रही हूं।

एक माननीय सदस्य : कठोर नहीं अश्लील।

श्रीमती सुभद्रा जोशी : अश्लील बातें तो आप तीस घंटे तक सुनेंगे, जब कि इस बिल पर बहस होगी।

मैं ने ये कठोर शब्द इसलिये इस्तेमाल किये हैं, क्योंकि समाज की इस वक्त जो हालत है उस से यह मालूम होता है कि जब तक एक बात बार बार न कही जाय, उस का कुछ असर नहीं होता है—जब तक एक कील जोर से न लगाई जाय, तब तक दिमाग काम नहीं करता है। ऐसा ही करने की मैं ने इस वक्त कोशिश की है। यह तो जाहिर है कि हर एक शादी ऐसी ही होती है और हर एक स्त्री का जीवन ऐसा ही होता है। आज स्त्री की हालत और जीवन इतना गिरा हुआ है कि हम अपमान से अपना सिर नहीं उठा सकते।

[श्रीमती सुभद्रा जोशी]

देशपांडे जी ने काहा कि स्त्री के लिये कानून पास हो जाने के बाद सिक्योरिटी नहीं रहेगी। मैं कहती हूं कि अब कौन सी सिक्योरिटी है? आप जब चाहें, अपनी पत्नी को छोड़ सकते हैं।

एक माननीय सदस्य : बिल्कुल गलत।

श्रीमती सुभद्रा जोशी : जो लोग अपनी पत्नीं को छोड़ देते हैं, अगर उन को बुला कर पूछा जाय और कोशिश की जाय कि वह उस को न छोड़ें तो अजीब अजीब कारण बताये जाते हैं। अगर हमारे सभासदों का ध्यान, जो कि पबलिक के नुमायन्दे हैं, इस तरफ नहीं गया, तो मैं चाहती हूं कि वह आज जाय। मैं इस सवाल की खोज करती हूं और बहुत से भाई बहिन करते हैं। अगर उन से पूछा जाय कि आप ने अपनी बीवी को क्यों छोड़ दिया, तो कोई कहता है कि जहेज नहीं दिया था, कोई कहता है कि बच्चे नहीं होते थे, कोई कहता है कि लड़कियां होती थीं, कोई कहता है कि लड़की की सास से नहीं बनती थी। एक बहन मेरे पास आई वह छोटी सी उम्र की बच्ची थी उस के पति ने उस को इस लिये छोड़ दिया कि उस का रंग काला था। उस के पति ने उसको कहा कि अगर तुम मेरे होटल में बरतन मांजो, तो तुम्हें रख सकता हूं, वर्ना नहीं रख सकता। यह हमारी बच्चियों की बात है इसलिये मैं कहती हूं कि अब जब यह बिल पास हो जायेगा तो हम उन को यदि छोड़ना भी चाहें तो छोड़ नहीं सकेंगे सिवाय उन केसिस में जिन का जिक्र कि इस बिल में किया गया है। अगर हम यह चाहेंगे कि चूंकि दहेज नहीं दिया गया है इसलिये उस को छोड़ दिया जाये तो हम ऐसा नहीं कर सकेंगे। मेरा ऐसा विश्वास है कि इस बिल के पास हो जाने पर स्त्रियों में ज्यादा शक्ति आयेगी और उन की ज्यादा रक्षा हो सकेगी।

अब मैं मंत्री महोदय से चन्द एक दरख्वास्तें करना चाहती हूं। मैं मन्त्री महोदय से प्रार्थना करती हूं कि वे इस बिल में एक ऐसी प्रावीजन करें कि स्त्रियों को बिना पैसा खर्च किये हुए उन के लिये वकीलों का इन्तजाम हो सके इस तरह से उन के केसिस कोर्ट में लड़े जा सकें।

दूसरी प्रार्थना मैं मंत्री जी से यह करना चाहती हूं कि इस बिल में एक प्रोविजन यह की गई है कि एक खास उम्र तक की लड़की गार्डियन की इच्छा से शादी करेगी और उस उम्र के बाद गार्डियन की इजाजत शादी करने के लिये आवश्यक नहीं होगी। मेरी प्रार्थना यह है कि आप उम्र एक कर दीजिये चाहे वह कितनी ज्यादा क्यों न रक्खी जाय। आप एक ऐसी उम्र मुकर्र करें जिस से कि वह अपनी शादी अपनी मर्जी से कर सकें। अगर आप इसी तरह से रखना चाहते हैं कि गार्डियन उस की शादी करे तो मेरी प्रार्थना यह है कि इस तरह की शादी करने से पहले लड़की की अनुमति भी जरूर ले ली जाय। उस की मर्जी के बगैर उस की शादी न की जाये। किसी की भी जबर्दस्ती शादी नहीं होनी चाहिये।

इतना कहने के बाद मैं मंत्री महोदय को सच्चे दिल से मुबारिकबाद देती हूं कि आखिर वह दिन आया जब कि उन्होंने इस सदन में यह कानून पेश किया और इसको पास कराने का निश्चय किया। मैं उन से प्रार्थना करना चाहती हूं कि वे इस बात की परवाह न करें कि देशपांडे जी इस के बारे में क्या कहते हैं। पाटस्कर साहब को यह कहना चाहिये कि मैं इस देश में कुछ करने के लिये आया हूं और जो हमारी बच्चियां हैं उन की मैं रक्षा करूंगा और चाहे जितनी देशपांडे जी इस के रास्ते में रुकावटें डालें वे उन से डरने वाले नहीं हैं। मैं उन को यकीन दिलाती हूं कि हिन्दू-

स्तान की भावी संतानें जो होंगी और जो हमारी बच्चियां हैं वे उन के गुण गायेंगी ।

अन्त में मैं मंत्री जी से प्रार्थना करना चाहती हूं कि अगर कोई त्रुटियां हैं तो उन को दूर करने के बाद इस बिल को अच्छी तरह पास करना चाहिये ।

Shri N. C. Chatterjee: This Bill is one of the most important and revolutionary Bills which demands very close attention of every Member of this Parliament. Madam, other civilizations have perished—those of Babylon, Nineveh, Assyria, the Hellenic world, the ancient civilization of Rome, they have all perished. They are now the subjects of antiquarian researches, but Hindu civilization still lives. It has still life and it is dynamic.

Pandit K. C. Sharma: It is petrified.

Shri N. C. Chatterjee. No. It has not petrified. I say that without any fear of contradiction. It is still living and it has something to give to the world. The greatest fighters of India's independence wanted freedom from alien domination not because they had any fight with England on racial grounds but because they were perfectly conscious that India had something to contribute to world civilization. You know one of India's greatest sons, one of India's greatest philosophers, one of India's greatest savants and *yogis* was Rishi Aurobindo. He said we want freedom for India because "India's last word has not yet been spoken" because India's message has not yet been delivered. What is there that is vital in Hindu civilization? What is the *elan vital* in India's heritage that has kept Indian civilization at a glorious height? There must be something dynamic, there must be something soul-giving, there must be something soul-uplifting in our culture, in our heritage, in our civilization, something which is of eternal value which India has cherished through the millennium? What is that message for the spreading of which our greatest men have fought for emancipation? I am proud to say I say this in all humility and of this every one should be conscious in this House, —the great essence of Indian civilization is the purity of family life; the great ideal of chastity, the great ideal of Indian womanhood which has been our pride and our glory through the ages.

It was swami Vivekananda, when he came back from America after his glorious conquest of the West—the Warrior Saint, the Vedanta Kesari—who said:

भुलियो ना तोमार उपास्य
उमानाथ शंकर भूलियो ना तोपार
नारीजातिर आदर्श सीता सावित्री दमयन्ती।

"Oh men and women of India," said that soul-uplifting Warrior Monk, "Oh sons and daughters of Mother India, forget not your cherished God is Shankar, the God of Renunciation; Your highest ideal of womanhood is chastity personified, the ideal of womanhood embodied in Sita, Savitri and Damayanti". Now, are you going to stimulate, to preserve, to cherish that ideal, or, is this Bill which you are going to pass today going to keep aloft that highest ideal or is it going to sabotage that ideal? Hindu civilization has resisted many an onslaught. It has met the challenge of ages. It has met the challenge of iconoclasts. It has met the challenge of internal fifth columnists. It shall not die. But how are you now going to keep the ideal aloft? Are you going to strengthen those ideals or are you going to weaken those ideals?

I am appealing to Shri Pataskar. If the Prime Minister were here, I should have appealed to him. He talks of democracy. All the Congress leaders talk of democracy. Is this measure consistent with the fundamental principles of democracy? Is it right to have a revolutionary measure, a radical measure, which touches the roots of the civilization of India, the personal law of the millions of our people and which has stood the test for centuries, for thousands of years? What right have you to pass such a Bill? I do appeal to my friend the Minister to answer it. What right has he?

[Shri N. C. Chatterjee]

What right has the Minister, who sponsors this Bill, to bring forward such a measure unless and until there is a clear mandate of the electorate? Where is that mandate? When did you get that mandate? Shri Jawaharlal Nehru, the Prime Minister of India, is preaching democracy in Indonesia, in China and in every part of the world. Do act upon the fundamental tenets of democracy in our own country. Do not try to force down throats of the nation this kind of Bill without a definite mandate from the electorate. You have not taken that mandate. I do maintain that the electorate was never consulted. The nation was never consulted and was never asked for a vote on this issue. I am not very bold when I assert that if you take a referendum on this issue, particularly on divorce, the overwhelming majority of our people, not only Hindus but also Muslims, will vote down any such measure like this divorce Bill. You know that has never been put before the electorate.

Shri V. G. Deshpande was perfectly right in saying that in the Congress manifesto you did not make this an issue. In one constituency in the State from which I come, this was made an issue, because a very prominent lady who was one of the most important sponsors of the Hindu Code was resisting and fighting me and she made this Hindu Code an issue. I have the privilege and the honour and the glory of representing a constituency which has acquired a place in history. That particular territory, that particular part of India, gave birth both to Raja Ram Mohan Roy and Shri Ramakrishna Paramahamsa. That constituency in the General Election definitely gave its verdict against the Hindu Code. Now, you the masters of the Congress, the leaders of the Congress, think that in the interests of India this kind of divorce should be brought in. This is a thing which Hinduism had definitely discarded, which Hindu personal law had definitely eschewed, which our law-givers had not thought of. Our law-givers were not law Ministers. They were saints. They were Manu and Yagnavalkya and other Rishis. They were God-given, God-intoxicated men, inspired by the highest ideals. They were not aspiring for any political position. they were not aspiring for material gain.

5 P.M.

They had consecrated their lives by devotion, by Sadhana, by what I call intense devotion to eternal values, and then they promulgated the *Manu Smriti* or the *Yagnavalkya Smriti* on the basis of their Sadhana and devotion.

Mr. Chairman: It is now five o'clock. The House has to adjourn.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following message received from the Secretary of Rajya Sabha:

> "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Finance Bill, 1955, which was passed by the Lok Sabha at its sitting held on the 22nd April, 1955, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

Mr. Chairman: The House will now stand adjourned and meet again at 11 A.M. tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, the 27th April, 1955.